

**Kenai River Special Management Area
Advisory Board**

Thursday, April 12, 2007

5:30 p.m.

Kenai River Center

I. CALL TO ORDER:

A. Roll Call

Members present: Ken Lancaster, Dick Hahn, Gary Knopp, Joe Connors, Rick Wood, Jim Czarneski, Jack Sinclair, Tom Vania, Tim Stevens, George Heim, Dick Dykema, Curt Shuey, Rick Koch

Members Absent: Ted Wellman, Brenda Trefon, Jeni Evans, Robin West

B. Approval of March 8, 2007 minutes – Dick Hahn withdrew his resignation. With this change, the minutes were approved as written.

C. Agenda Changes and Approval:

Added under Old Business: Item I- Letter from Commissioner/River Quest correspondence. Added under New Business: Item C - Proposal to the Board of Fish from Cooper Landing Fish and Game Advisory Committee. Curt asked that Item D – Collaborative Letter addressing the Hydrocarbon Issue be moved to an Action Item. Agenda was approved with changes.

II. PUBLIC COMMENT

There was no public comment.

A. Bridge Update – Matt Coullahan. Matt was unable to attend. Pam read a prepared email from Matt on the bridge update.

III. OLD BUSINESS

A. Guide Advisory Committee Report-Joe Connors. Joe advised the board that eight out of the nine members were in attendance at today's meeting. A new complaint form dealing with issues about guides was finalized and forwarded to Jack Sinclair. The current stipulations for Kenai River guides were reviewed and possible modifications for 2008 were discussed. Also, a draft proposal for the loss of a guide due to extenuating circumstances was

discussed. A copy of this draft was handed out to the board members. Joe asked that this proposal be an action item for the May meeting. Joe felt that it would be a good idea to have a plan in place before we do have an emergency situation. The next meeting for the Kenai River Guide Advisory Committee will be at Noon on May 10, 2007. Ken suggested that Jack discuss the draft proposal with the Attorney General before the next meeting.

- B. Boat Wake Study Update – Ruffner/Sinclair – Jack Sinclair spoke about the teleconference held with Dr. Maynord. Jack stated that he would like to see more of the notes from the different peer groups that were present. Dr. Maynord reiterated that as long as the weight of the boats is not increased, further bank erosion would be limited.

Ken stated that it would be three to four months before we have an early technical report, which will finalize the wake study.

- C. Waterbody Recovery Plan Status – Tim Stevens. Tim passed out a revised Kenai River Waterbody Recovery Plan Process Chart (Concept). He said that most of the changes made were in the work group section. DEC was listed as the lead agency of the work group. A new workgroup panel consisting of DEC, DNR, ADF&G, Cities of Kenai and Soldotna and the KPB was created. These agencies were chosen because they all have authority to enact regulations or ordinances recommended by the stakeholders. Tim stated that the stakeholders would work toward a consensus on issues to be forwarded to the workgroup panel.

Discussion followed on the subject of the lead agency and a timeline.

Tim stated that the City of Soldotna has sent a letter to the Governor asking that she appoint a lead agency to this process. Tim stated that a completion date has not been decided on, but DEC would like to get it done so that the water could be moved from a Category 5 to Category 4b during the next listing, which is December 2008.

George suggested encouraging voluntary public compliance with some of the ideas already proposed to reduce hydrocarbons in the river, such as eliminating the two-cycle engines.

- D. Collaborative Letter addressing the Hydrocarbon Issue – Shuey (This item was moved to an Action Item)

- E. Kenai River Center Update – Russell. Pam reported that the Kenai River guide permitting season is gearing up. The Kenai River Center is starting to get a lot of permits for flood damage. The Kenai River Center will have representatives at the Home Show this weekend.
- F. Kenai River Flooding Update – Sinclair/Russell. Jack said that the first assessment on the river would commence next week. Two representatives from the Spruce Bark Beetle mitigation office will assist the rangers with high resolution cameras and GPS equipment and a lot-by-lot profile will be conducted. This will provide a database to the Kenai River Center and we will be able to mark and map any debris that needs to be removed instream.
- G. Regulation Process update – Sinclair-To be discussed with the letter received from Commissioner Irwin
- H. Highway Bypass update – Russell – No information was received by the agency in time for the meeting.
- I. Letter from Commissioner Irwin: Commissioner Irwin stated in his letter to the Board that the KRCMP will be evaluated by the Planning staff to determine the level of revision needed and that he would keep the Board updated on this. He also stated that a recent meeting was held with DNR, ADF&G and DEC to discuss the proposed regulations that are pending. After he has had a chance to fully evaluate and understand the impacts and ramifications, he will be making his decision and he would notify the Board immediately.

Letter to Mayor John Williams from DEC: Ken stated that he had met with Mayor Williams and asked him to write a response with regards to Riverquest Subdivision. These letters were provided to the Board and Ken asked for input from the board. A second letter will be drafted from Mayor Williams in response to DEC's letter.

Jack Sinclair stated that the correspondence helps to explain the progression of what has taken place over time with the issue.

Ken stated that it is obvious that people are living there year round.

Rick Wood pointed out that in the handout from DEC on the Conditional Approval to Construct document, it states that the facility is approved for seasonal operation only.

Joe Connors was concerned with grandfather rights setting a precedent on these structures.

IV. NEW BUSINESS

- A. Slikok Creek Project – Jack updated the board on the angler access project at Slikok Creek that has been ongoing since 2004. The upstream portion of the project provided a grate walk. This was taken out last summer after an inspection by several engineers discovered that hand rails needed to be installed on the waterside because the walkway was too high. Handrails will be installed on this portion before sockeye season starts in July.

When the walkways on the upstream portion were first tested, the current was too strong and we realized this would not be a good wading area. It is better to be fishing from the deck.

The downstream portion of Slikok has been historically known for its archaeological importance to the Kenaitze Indian Tribe. A trail currently in place from the College to the river is badly eroded. The intent was to try to solve the erosion problem by creating a stairway and trail through the woods. We ran into problems when the archaeological report came in after the project was started. The project has been stopped at this point until it can be determined by the Kenaitze Indian Tribe and the Office of History & Archaeology just how significant the resources are there.

Jack stated that one of the things missing from the Comprehensive Management Plan is a plan for managing cultural resources. He would like the Board to discuss this as an amendment to the plan.

At this point, the stairway and trailhead will probably not be constructed this year, if at all. It will take a lot more review and analysis by the Office of History & Archaeology and the Kenaitze Indian Tribe along with State Parks.

Discussion followed on whether issues dealing with access to the river have been brought forward to the Board for discussion in the past.

Jack stated that in the Management Plan there is a matrix that discusses what the priorities were regarding access to the river. When the Plan was developed, it was decided that there was not going to be any new access created. The philosophy at that time was that there was already way too much access to the river. The emphasis was on improving already developed access and making those more habitat friendly.

Jack said that he would brief the Board of any new major project on the river.

Dick Hahn stated that we need to not only deal with the river itself, but we need to deal with the adjoining habitats and not just the park.

Ken stated that maybe we should ask that the Kenai River Center make us aware of any permit applications in the other overlays.

Pam did not think it would be feasible for the Board to discuss all of the permits received, due to the large volume. Most of the permits are just for walkways or stairs into the river. She told the Board that the Kenai River Center works together. There is a weekly staff meeting and we are conscious of what the other agencies are doing.

Jack thought that this should be put on the agenda for the next meeting for further discussion.

B. Guide Academy Emergency Provisions – Sinclair/Connors This item was previously discussed.

C. Upper River Issues – George Heim

George provided a background on a change that has been developing on the pattern of use on the one section of the Upper Kenai River that is open to motors. For twenty years, there had just been a few motors running up to the lake to fish in this area. Starting about two years ago, drift boats that had a motor on would fish there way down river, fire up their motor and go back upriver and begin another fishing drift down the river. This type of use has increased dramatically. This activity is not what was intended for that section of the river.

The Cooper Landing Fish and Game Advisory Committee met and this issue was brought up and discussed. It was decided that a rule be proposed to the Alaska Board of Fisheries that once a

motor was fired up on this section of the river, they would be done fishing and could then continue drifting down and use their motor to cross Skilak Lake.

George stated that the handout provided to the Board was just a draft of the proposal. He wanted the Board kept in the loop on this issue. He hoped that, when the issue is brought up to the BOF, the Board could be supportive of the efforts to curtail this kind of use.

This would not affect the traditional use of the homeowners along this section from motoring up to the lake to fish.

Tom Vania warned the Board that there are over 300 proposals brought to the Board of Fish and wondered if the Board really wanted to take a position on this proposal. There are advisory committees that are more geared towards tackling these proposals. He thought that it would be more appropriate to modify the existing DNR regulation.

V. ACTION ITEMS

A. Collaborative Letter addressing the Hydrocarbon Issue - Shuey

Curt provided a synopsis of where the letter came from. After reading the by-laws, one sentence states each board member carries the responsibility to represent the broad public interest and no member shall consider himself/herself merely an advocate of a specific group.

Curt discussed the three common ways that people approach making a decision.

- In an authoritarian mindset
- In a power struggle mode
- In a consultative mode

After submitting the letter to the Board, there was concern that it was aimed towards agencies and interest groups in the community. Some felt that offense might be taken. It was suggested that the letter be addressed to the community as a whole. There were also concerns that this clause in the bylaws does not apply to appointed members.

After significant re-writing of the letter, Curt felt that there are still board members who are uncomfortable with the idea of the letter. Curt felt that the letter should not go out to the community unless there is a complete buy-in from the Board. He requested that the letter be shelved. He suggested that, in its place, a Board Development Committee be created which would focus on the board itself with an aim toward reviewing and refining the bylaws if needed, developing procedures that bring about a more unified way of reaching our decisions and provide annual training for members particularly when new members come on.

Discussion followed. Dick Hahn thought that this community is growing so rapidly that it is important for the community to know that this board exists, especially with the hydrocarbon remediation issue. The community needs to understand what the board is about and why we are important to the community.

It is working for the greater good of the community and also how valuable this river is to everyone here, not just people who live along the river.

He thought that the message in the letter is incredibly important. He was sorry to hear Curt say that he wanted to shelve it.

Curt said that he still agrees with the letter, but thinks that it should be strongly and fully supported by the Board before it is released. He felt that forming a Board Development Committee right away would be a good idea, instead of waiting until next fall.

Ken liked the idea of training for new members and a review for everyone on the bylaws. He suggested the Board host a community meeting.

VI. PUBLIC COMMENT

No Public Comment

VII. ADJOURNMENT

A. Board Comments

Tim Stevens handed out a report by Oasis Environmental which contains figures that were promised to the Board back in September on the volume of total aromatic hydrocarbons dissolving in the lower Kenai River on a daily basis in July.

Tim recommended the Board members bring their questions to him.

Dick Hahn stated that he has the perception that there is no urgency in remediation of the river. He asked Tim to comment on this.

Tim said that the Commissioners of the three agencies are still wrestling with the issue on how to best approach it. He expected a decision soon.

Joe said that the last guide academy for the year would start April 30 through May 4. That will put the total graduates to approximately 135. This is only a third of the entire guide fleet. There are seven academies scheduled for next year.

Ken suggested a press release to that effect would possibly help with the image of the guide industry.

Jim commented on the flow chart. He commended DEC on their efforts. The agencies are cooperating, but the group that has not come together is the stakeholders group and the public input. He suggested that the Board set an example by inviting the other user groups in when this process starts and come forward with the message that we are looking out for the river.

Jack brought up the new newsletter "Eagle Watch" which was developed by DPOR and provided to the board members. This will be a monthly publication.

B. Date/Agenda of Next Meeting

Next meeting will be May 10, 2007 at 5:30 p.m. at the Kenai River Center.