

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

Thursday, April 13, 2006
5:30 p.m.
Kenai River Center

I. CALL TO ORDER

A. Roll Call

Members Presents: Pete Sprague, Keith Kornelis, Robin West, Jack Sinclair, Tim Stevens, Ted Wellman, Brenda Trefon, Richard Dykema, Floyd Heimbuch, Ken Lancaster, Tom Vania, Richard Hahn and Jeff King

Member Absent: Rick Wood, Deb Cooper, Joe Connors and Ted Forsi.

B. Approval of 03/09/06 minutes

A correction on page 12 board comments the Kenai City Manager's name is Rick Koch, not Kook.

The minutes were approved as corrected.

C. Agenda Changes and Approval

Ken Lancaster moved from under old business Horsepower Clarification of Resolution and Discussion to A under new business.

Pete Sprague added under New Business Item C agenda format.

Agenda approved as amended.

II. PUBLIC COMMENT

Ricky Gease brought to our attention the Economic Values of Sport, Personal Use and Commercial Salmon Fishing in Upper Cook Inlet Report that is posted on the Kenai River Sportfishing Association (KRSA) web page. The report looks at participation, economic significance, the size of the industry and the economic values and the returns on investments from those industry and many others. All the information in the report was taken from economic surveys and information from studies that are already out and available to the public. Links to these reports can be found on the web page. Also of interest is the Fish-On newsletter that is published by KRSA, which talks about the fishery window, some of the management issues that were address at the Board of Fish. Pacific Coastal Salmon Recovery Fund investments in the Kenai River for the last several years and this year some of the project currently being funded are the Slikok Creek bank restoration and walkway replacement and also the Russian River between the confluence and the river itself there will be 12 new stairways to get people off the heavily used bank.

Dwight Kramer testified about the 50 horsepower proposal. His concerns are about the additional speed on a crowded waterway. The Kenai River is one of the most crowded motorized fisheries in the state and it is going to continue that way. Looking over the boat count reports from the state, there is about a 6% increase of boats on the river. This is measured from the mouth of the Kenai River to the bridge. If you extrapolate that out 5 years from now that is another 100 boats on the river. The increase alone in powerboat guides may increase by 21. Regarding the resolution to make all engines on the river 2006 compliant, he was concerned that many motors that were pre-2000 would not be compliant. It was determined that anything of the late 80's is also '06 compliant in terms of manufacture and technology. What separates them out is actually the mechanical measurement of emissions that has to be done on each individual motor. Not having the ability to measure these emissions on the river would make it impossible to enforce on the river. He supports having a kiosk at the boat launches and volunteer classes, but would not support anything that would keep public off the river, such as mandatory classes or certification.

Kenny Bingaman stated that the KRMSA board is dragging their feet on the 50 horsepower increase issue, especially with the hydrocarbons and extra hydrocarbons that the boats are leaving in the water by running the motor up to full speed. He doesn't think we will gain any more speed with a 50hp or 35, but that the bow will be lower in the water, which is a safety factor. The board pushed the guide academy and the increased fees a year, he cannot understand why the 50 hp increase cannot be put into regulation this year. Guides are not the bad guys that break the laws; it's everyone that uses the river.

Garth Bilderback does engine repair for many of the residents in the area. Yamaha does not offer detuned cams anymore for the old 40hp. Restrictor plates for the old 40 horsepower Johnson Evinrude are no longer available. The founding fathers of this 35hp restriction had a good idea they just did not look at all the facts of the industry. At that point Mercury was the only one that had a true 35hp motor. Since then, nobody has. It causes confusion. Standard engines are available by the manufactures so everyone knows "this is a 50hp, this is a 40hp", and stop the detuning. This would cut down on the enforcement. Many of the 4-stroke motors that have been out there for more than 5 years blow oil; they wear out, start blowing oil back through the intake and open up the cowling and there is oil in there. This is an emission problem when oil ends up in the river. Emissions are measured only by a machine, how can that be accomplished out on the river?

Rod Berg is a Kenai River Guide in the same boat since 1986 when the regulations came into being. Americans are getting bigger and to keep up with the times it is harder to run bigger loads and not have the power to do it. Rod supports the 50hp increase.

Joe Hanes felt that enough time had been spent debating and studying the 50 hp issue and that it was time to move on under this new management. The KRSMA board needs to put their thoughts forward to the DNR commissioner to fix this problem.

III. NEW BUSINESS

A. Director Correspondence/Horsepower Clarification of Resolution and Discussion- Ken Lancaster.

Ken received the correspondence back from the director of DNR Jerry Lewanski. Ken asked if there were any comments on the letter.

Ted Welman said that it violates his basic understanding of where we were going with the working group. When the working group appointment was made the primary function was to find a fair and equitable way of determining a numerical limitation for commercial use on the river. After working a lot on that, it was realized that we could not get a straight answer out of the AG's office; if we had efficient information from all of our studies we could perhaps find that number. As a first step and only a first step we agreed to deal with this professionalism issue with guide requirements. It was always the thought that the working group would go on, reforming and pursuing possibly two other steps based on the AG review of the existing studies. That's why there was a unanimous agreement at the end of the working group. It appears in this letter that the working group may reconvene again, and maybe will do the studies if we possibly receive the funding. Based on the high price of oil, it seems absurd that the state could not come up with the little amount of money that would be necessary for someone to go through and review the existing study of crowding that has existed since 1992. The working group could then go back and finish its original task. It appears that this may not happen now and had he known this then he would not have agreed to the first stage.

Dick Hahn read the letter a little differently; he interpreted it that if you want a new working group you can get it off the KRSMA board as a committee. It also suggests that the state plans to hire a professional consultant to gather this information and by the summer of 2007 have a comprehensive plan developed that would not only identify the optimum number of guides on the Kenai River and whether or not this can be established legally. Dick believes that the professional consultant will look at the information and make the determination that the working group was unable to do.

Dick Dykema comments that he has just seen the letter and wondered why the KRSMA board is even here.

Ken Lancaster was offended by the response; all the board asked was to start the process for the 50hp increase. The response just jammed it back down the board's throat. We need the Parks Director or Jack Sinclair to start the meetings to have the public weigh in on the subject. The thing about this board is so frustrating is to have sat here for 21 years; nothing gets accomplished because the department never stands behind the recommendations of the board.

Ted stated that as for the horsepower, that it was his understanding from the last minutes that we are always talking about 2006 compliance. He reflected that the previous resolution did not make that clear and that we send an amended resolution and make it clear that we were intending that this be for all motors to be 2006 compliant.

Dick Dykema seconded the motion.

Dick asked if there was a way to test the motors for emission control.

Garth said there is a wand that is used and tells you the amount of emission that is being released and the engine needs to fall within a specified range to pass.

The motion asked that in the new regulation for the 50hp increase that all motors be 2006 compliant.

The motion was to clarify the resolution.

The roll was called that the motion in the new regulation for 50-hp increase be that all motors be 2006 compliant.

The motion was voted and passed unanimously.

Jack Sinclair commented that we all may read the letter differently. He felt that anytime an encouraging word comes from Anchorage means that we can move forward in that direction. A letter was sent to the commissioner and a response was never received. The next correspondence went to the Parks Director in Anchorage. This gets them to start talking to us about what we need do on the Kenai River. Right now we know that the commissioner's office is focused primarily by the oil and gas issues of the state. The Kenai River is coming into view and this is an issue that needs to be addressed. The board is educating a new commissioner. He received information today that the budget will have some extra money in 2007 that will possibly get some sort of working group that works with the KRSMA board. The commissioner may not hand pick the participants but may be something the board helps to

formulate and work through. It took over two years for the working group to get to the regulations that were just proposed this year. The working group was the most effective thing that has happen as far as public process with some acceptable product at the end. The letter states that they will not continue with the issues until they are able to review the latest boat wake study that may be available in May of 2006.

B. Projects for 2006 and beyond- Jack Sinclair

Jack reminded the group about the lawsuit that resulted from the guide moratorium. The subsequent court order required that the Department of Natural Resources to conduct a public use impact study prior to any administrative action to impose a cap or moratorium on the number KRSMA guide permits issued.

Tom Vania: the state is looking at limited entry; the commissioner [of ADF&G] has made it a high priority to start developing a system for limited entry for the sport fishing industry. This included both fresh and saltwater. Similar to the limited entry that is in place now for the commercial operators. There needs to be the same system set up for the fresh water sportfish industry. The Commissioner has made this a high priority to start putting that system in to place developing the criteria. If an area wants to participate in limited entry, there would be a process available to apply for it.

Jack talked about more public access along the river and more review needs to be done. Some of the private ramps are going away from drop in public launching. Jack sees the increase in demand for public ramps; an example is the traffic at The Pillars. A feasibility study is recommended for a new boat launch on the lower river at some point. He would like to start this next year. Ciechanski is a possibility for a public launch. But public bathrooms are definitely something that also needs to be looked at. Some other projects include the Outboard buyback program. The working group process may be reconstituted and used for the horsepower and general public use and education components.

C. Agenda Format-Pete Sprague

Pete would like to see an item on the agenda that says action items. The chair sets the agenda. Pete felt that this was the second meeting in a row that the board had taken significant action on an item that gave no public notice. Pete feels that it is a healthier public process if the board, the public and all the agencies are aware of an issue that is going to be discussed and have possible action taken.

Dick Hahn commented that if the board adopts adding action items to the agenda, Dick also believes that the estimated completion date of the item should also be added.

Floyd commented that this is an advisory board and that everyone may not get what they want.

III. OLD BUSINESS

A. Guide Academy Report-Pam Russell

Gary Turner from the college reported that sign-up for the future classes are doing very well. The classes for the 2007 season have been set; they are as followed-December 4-December 8

January 29 –February 2

February 19-February 23

March 19-23

April 30-May 4

The next class in April 2006 is completely full. There is also a web page dedicated to the class specifically. Sign-ups for next year courses are presently being taken at the college. The final curriculum has been set.

Steve McClure stated that the very first class went very well. Twenty-three people took the course and all passed.

Joe Hanes stated that the sign-ups for the classes are brisk and that in the future they are reserving 10-15 seats for veteran guides. This will benefit new guides in sharing experience on the river.

B. Guide Advisory Committee Joe C

Suzanne reported for Joe Connors who was unable to attend the meeting. A fact sheet and an application have been developed for those that may be interested in becoming a member of the Kenai River Guide Advisory committee. She encouraged the board to look at the draft and if they have any comments or suggestion to e-mail them to her.

Bring the revisions to the next meeting and with the board's approval, start the process for next year.

C. Wake Study update –Jack

The report is due in May 2006.

D. Bridge Update-Suzanne

Although it was announced that the cofferdam would be gone and the concrete poured by now, that has not happened. DOT reported that the road would be closed April 18 through April 21, 2006 from 7PM to 5AM. Four more pilings need to be placed next to the cofferdam and they are going to be building their platform where the splice vent will be. The splice vent is the working platform that the entire girder rests on. In order to do that they need the crane in the middle of the temporary bridge, requiring the closure. It has been interesting talking to the engineers and the complexity of the girders and how they have been fabricated in Montana. The girders will come into Seward by barge and then trucked to Soldotna, which may cause closures in Cooper Landing. The cofferdam is still leaking water and as soon as they fix that and get it dried out they will pour the concrete.

E. Chugach Electric Association Cooper Lake project -Jack

Jack Sinclair talked to Burt Wick from Chugach Electric and they are still finalizing the agreement for some of the work there. Burt would like to come in on the last meeting in May to give a presentation on the whole project.

IV. PUBLIC COMMENT

Ken Bingaman wanted to reiterate that we are dragging our feet on the 50 horsepower increase. The first and foremost issue is habitat for the river. Public use of resources is to be considered next, as they are getting more of tickets than the guides. We need to move on with the 50 hp issue. He claimed he was checked 6 times last year for 35 horsepower.

Joe Hanes wanted to reiterate that we have studied this to death. The public comment has been going on for 10 years. Ten years we have been battling this and there are people on the board that also have to be frustrated with this.

Garth commented that it is a safety issue, not being able to get on step; supports the increase in hp to 50.

Herman thanked Garth for his service in the area. He found out through Joe Connors that the 50 horsepower had been somewhat turned down by the state. Felt there had been enough foot-dragging on the issue.

Dwight is still concerned about the 06 compliant requirement and would like to see parks come back with a plan on how they are going to enforce it. This would help the public see how this would be managed.

VI. ADJOURNMENT

A. Board Comments

Robin West publicly acknowledges all the work that Gary Turner has put into the Guide Academy.

Jeff K: If we are putting together another letter for the commissioner we should include something in reference to the flat bottom boats. Jeff feels we should not misplace people again because of equipment. It is not fair or right. The director would not like to set the state up for lawsuits. The original plan does not misplace anyone. After the article appeared in the local Clarion there was no public out-cry by radio or phone to state office. Feels that there is nobody out there to oppose this proposed regulation. To detune was a product of government.

Dick Hahn commented on mixing zones and that Paul Seton's bill was set aside in the resource committee which means, short of a miracle, it will not make it to the floor. With regards to the motion that was carried on the 2006 compliance, Dick feels it is important to ask the next question. Which is: if we are going to insist on 2006 complaint motors are we to have a test station set up some place so people can check their motor to meet the standard? If a regulation is going to be established, then the board needs to talk about a time from when non-compliant motors are no longer allowed on the river.

B. Special Recognition

Everyone thanked Suzanne for her service and cake was served.

C. Date/Agenda of Next Meeting

May 11, 2006 5:30 PM