

**Kenai River Special Management
Area Advisory Board**

**Thursday, September 14, 2006
5:30 p.m.
Kenai River Center**

I. CALL TO ORDER

A. Roll Call

Members Presents: Ted Wellman, Brenda Trefon, Richard Dykema, Floyd Heimbuch, Ken Lancaster, Jeff King, Rick Wood, Keith Kornelis, Robin West, Jack Sinclair, Tim Stevens.

Members Absent: Pete Sprague, Tom Vania, Jeni Evans, Joe Connors, Ted Forsi, Richard Hahn.

B. Approval of 05/11/06 minutes

Approved as written.

C. Agenda Changes and Approval

Two additions were made. Under New Business, Item H-Kasilof Special Management Area and Under Old Business, 2nd Half of the Working Group. Also, Matt Coullahan's report on the bridge update was moved up to Public Comment prior to Barbara Seamnan.

II. PUBLIC COMMENT

Matt Coullahan, DOT Project Engineer, gave a brief update on the status of the bridge project. The main portion of the paving is complete. A corrective action plan has been requested of the contractor to correct the camber problems of the bridge, which will involve some shims and some adjustments to the thickness of the slab. This will not make the girders any less strong. It is basically a geometry problem for the fittings of the forms. Work will proceed on the wing walls and retaining walls. It is hoped that the corrective action plan can be implemented next week. With the approach of inclement weather, arrangements have been made to tent the entire structure if necessary to complete the placement of the concrete and the pavement. The temporary bridge needs to be removed by December 31, as the Coast Guard permits for the pilings in the river expire and the temporary construction easements from The Crossings Restaurant and the RV Park on the north side also expire on December 31. A partial opening of the bridge is planned for Mid-to-late October. A trail will be constructed under the bridge.

Barbara Seaman, Executive Director, Kachemak Bay Heritage Land Trust (KHLT), provided the Board with the Winter Newsletter of the KHLT. She gave a brief history of the KHLT. She said that their mission was to preserve, for public benefit, land with significant natural, recreational or cultural values by working with willing landowners to provide conservation easements. There are currently 21 conservation easements on the Kenai Peninsula. The KHLT has worked with federal, state and private foundation funding. She said they hope to be able to work with the Kenai River Sportfishing Assoc. on public access to the Kasilof River. They are actively looking for board members. The KHLT is governed by an eleven member Board of Directors. The Anchor River Mouth Project has just been completed and will now be managed for habitat protection and public access.

Ken Tarbox spoke on the public process revolving around the 50hp discussion. He felt that the meeting scheduled for September 28 was premature, and that phase two of the boat wake study should be completed before any decisions are made on how the river should be managed. This should be done in the form of a comprehensive management plan.

Mary Lee Killinger, homeowner in the Riverquest Subdivision, asked that a reasonable and consistent policy be made concerning seasonal boat docks. They have been told that they can only have a floating dock, while other dock structures in the river are stabilized by posts that rest on the river bed. Their current floating dock is unstable without the use of posts. Mr. Killinger displayed the post that they are requesting to use. They requested that their current dock, with modifications, be permitted consistent with other docks in the area.

Dwight Kramer stated that he is against raising the horsepower to 50hp due to safety concerns. He is also opposed to the 06 compliance on emissions. He feels the majority of the hardship will fall on the general public who cannot afford a new motor. He feels that it will be impossible to administer an emission testing program for all motors. He brought up the recent poll conducted by The Clarion in which 63% of the 721 people polled were against the higher horsepower and only 37% were in favor. Dwight suggested educational kiosks be placed on the river to educate boaters on safe boating practices. He also suggested dividing the user groups, allowing certain days for drift only and certain days for motorized boats on the river. He felt that there was a need for protected spawning areas.

Dick Marshal agreed that raising the horsepower would be a safety problem, but more importantly the overall atmosphere of the river would be jeopardized. He felt that the answer wasn't bigger motors, but smaller boats and that the problem was too many boats and too many guides. Regarding the emission compliance, he said that it was hard to be against emissions, but if a boat owner doesn't already own a new motor, it's probably because he cannot

afford one. He would like to see the report that came out of the work shops he participated in held about eight years ago regarding guides

Lenora Pepin, a resident at mile 14 Kenai River, said that friends of hers were swamped this summer by wakes because their boat was too little. She has seen a few wrecks on the river and feels the horsepower limit should remain at 35hp. She cannot afford another boat motor.

Ricky Gease, Executive Director of the Kenai River Sport Fishing Association spoke on the working group. Out of that working group, the Kenai River Academy has been put in place. The majority of the violations on the Kenai River this year were not from guides. Guides serve a valuable function on the river. The second phase of the working group should be to look at issues of the crowding on the river and more bank access for the public.

The Comprehensive Management Plan has certain sections that need to be updated. As a private member, he hears many complaints of crowding on the river. He feels that the crowding is mostly due to the King Salmon fishery problem on the Lower River. Let's focus on getting some solutions to that problem. Some problems State Parks can deal with and other problems are Board of Fish problems. Mr. Gease personally thanked Representative Kurt Olson for getting more law enforcement for State Parks.

Ron Weilbacher stated that the over-crowding is not just a guide issue. He went fishing after 6pm and had never seen such a crowd. Mr. Weilbacher feels that the horsepower should be changed to 50hp and that it would decrease the wake.

III. NEW BUSINESS

A. Kenai River Operations-Jacques Kosto, Kenai River District Ranger

Jack Sinclair introduced Jacques as the new Kenai River District Ranger. Jacques provided a re-cap of the 2006 field operations, but advised the Board that the season was not over. There are patrols of the river still being conducted. There were over nineteen dedicated volunteers operating in the Kenai River District this summer, assisting with fee compliance, maintenance and making public contacts twenty-four hours a day. The District also has four park rangers assigned to the Kenai River, although there are two vacancies. There is also one Natural Resource Technician and one Alaska Conservation Corp employee. They act as the liaison between the volunteers and staff. The number one priority for the staff is the resource protection and also ensure that the parks are well maintained, safe, clean and accessible to all visitors. Jacques stated that his staff is dedicated to public education in boating safety and fish and game regulations. Jacques provided a handout of the Kenai River Citation Summary. In addition, thousands of verbal warnings were given out.

Jacques stated that they are in the process of filling the two park ranger vacancies. Jack Sinclair stated that Jacques had worked on a Boating Safety Supplement and that it had been submitted to the Boating Safety Office for review. Jack asked Jacques to provide a draft of the supplement for the board before it goes to final publication.

B. Membership-New Board Appointment Applications.

Jack Sinclair stated that he has received five new applications and two of the current board members indicated their desire to be reassigned. He asked for an extension of the application filing period to September 30. He would then provide copies of the applications at a work session during the day of the October 12 board meeting to discuss recommendations of nominations to submit to the Commissioner. Ken suggested another ad be placed in the paper advertising the openings.

C. Jerry Lewanski, Director

Jerry thanked everyone for participating in the meeting process. The Division is in the middle of developing a strategic plan on how the people want State Parks to be for the future. A draft strategic plan will be given to the public to read, review and comment on October 17, at 5:30 at the Kenai River Center. This will be a document that will direct us into the future.

He stated that the Division was looking into the issue of limiting the number of guides. As an honest assessment of where we should go, we need to decide what, when and if this would be the time to impose some limits. He would support adding a further assignment to the working group. He would prefer that the working group be a sub-committee of the advisory board.

Ted voiced his frustration over re-forming the working group. One of the original motivations of the working group was dealing with the guide issue, and he felt that it had not been dealt with, other than making them more professional. He stated that the attorney general was supposed to come back with a recommendation of what needs to be done to limit the number of commercial operators.

Brenda added that from the boat counts conducted in recent years, on the days that water testing is done, the boat counts were higher than any other year. Ken asked if this information could be made available for the next meeting. Robert Ruffner will be asked to come to the next meeting to address the board.

Jerry told Ted that he would remind the Attorney General that we are waiting for the information requested by the Board.

D. Goals for 2006-2007-Jack Sinclair

Jack reported that the Comprehensive Management Plan will be ten years old in 2007 and is in need of review to identify what amendments and revisions should be made. Some projects that need to be accomplished on the Kenai River include the following deferred maintenance projects.

- Morgan's Landing fish walk and trail repairs
- Funny River SRS campground improvements
- Pillars dock/launch design problems
- Stair replacement at Slikok Creek upstream
- Shoreline restoration at pipeline crossing south of the college
- Replace floating docks at Big Eddy and Ciechanski SRS

Larger capital funds will be sought for the Funny River Campground development over a two year period. Also, a new concrete toilet will be placed at Bings Landing SRS next year. Another goal Jack hoped the Board would pursue is activating the Guide Advisory Board. We have only received a few applications.

Regarding the Corp property, the EVOS Fund approved one million from the Conservation Fund. The appraisal came in above that and they are reconfiguring what portion of that property would go into the conservation point.

E. Regulation Process-Jack/Jerry

Jack advised that the public workshop on September 28 will set into motion the rule making process. Based on the comments received from the public at that meeting, we can better access the direction the division should respond in forming the actual regulations.

Chris Degernes said that based upon our past history, the more work we do up front in a public process on a regulation, the more likely the recommendation that comes out of the process will be passed through the Department of Law.

Ted asked for clarification on the portion of the regulation pertaining to all motors becoming 2006 compliant. He understood it to mean that only 50hp motors would have to become compliant. Jack stated that originally it was for only the 50hp motors, but had been changed in April as the Motion was amended to include all motors. Ted said that he would have never voted for that and asked for a **Motion to amend the resolution to change that to be only the motors that are going to increased to run the 50hp, not every motor. Seconded by Floyd Heimbuch.** Mr. Heimbuch asked that there be a phrase that says 35hp and under. The **motion was amended to read to be**

only the motors that are going to be increased to run 50hp, not motors 35hp and under. Discussion followed. After a roll call vote, **Motion passed with one opposed and five in favor.**

F. Riverquest Discussion-Ken

Ken passed around photos taken of the Riverquest Subdivision. He encouraged everyone to look at what is happening. The Planning Commission meeting scheduled for October 9 at 7:30 will take up extension of permits for the subdivision.

G. Easements and Launch Discussion-Ken

Ken brought to the board's attention the letter in their packet from Jim Richardson addressing the Pillars facility and other Kenai launches. Jack updated the board on the Agrium launch brought up at the last meeting. Jack stated that the vacation easement application had been denied. John Mohorich said that Agrium went back to the table and have not submitted any new proposals. Jack updated the board on the vacation easement issue and stated that Agrium had applied to vacate the easement that split their property adjacent to the Refuge boundary. There was no action taken by the Planning Commission because Agrium agreed to postpone action. They have one year to bring it back to be heard. Discussion followed.

Ted had a problem with the public facility at Pillars becoming a launch for a place of business and that maybe a certain portion of the boat launch should be set aside for public use only.

Rick felt that we needed to get a handle on the crowding situation before putting in more boat launch sites.

H. Kasilof Special Management Area

Ken introduced the issue of the Kasilof River management as a river that is seeing more use due to the overcrowding on the Kenai River. There has been concern voiced by the public that something needs to be done to manage the Kasilof River. Jack Sinclair stated that the board could endorse a plan for the Kasilof River Special Management Area. Jerry stated that legislation similar to that used to form the Kenai River Special Management Area would need to be introduced.

IV. OLD BUSINESS

A. Boat wake study report-Jack

Jack reported that it is hopeful that a draft of the boat wake study will be available for review by October 15.

Ted stated that this study will need to be studied before going out to regulation or run the risk of having the regulation thrown out.

Brenda stated that she was aware of the frustration. The study is going to be a substantial report based on science.

B. Kenai River Center Update, Pam Russell

Pam welcomed everyone back. She pointed out the Kenai River Trends and Numbers in the guide packet. There was an increase of about 30 guides on the river this year.

C. Kenai River Bridge Update-Matt

This item already covered under New Business.

D. 2nd Half of Working Group

Jack Sinclair advised that he would resurrect the letter that was sent to the, then Commissioner Tom Rowan, regarding the commitment to follow through with the reconvening of the 2nd half of the working group since we did not get a response.

Ted suggested that we look closely to how the group is set up and broaden public representation on the group if we are going to deal with public issues.

V. ACTION ITEM

None

VI. PUBLIC COMMENT

Deputy Commissioner Ed Fogels spoke to the Board on behalf of Commissioner Mike Menge. He stated that one of the first things Commissioner Menge had to deal with when he took office was the imminent demise of the State Parks budget. A supplemental budget was requested to get State Parks solvent for the current fiscal year and also put in a budget request for this fiscal year. It was a success. Commissioner Menge is real supportive of park issues and the park system as a whole. He emphasized the importance of the Strategic Plan process. We want a document that we can take to the legislature next year that addresses the state park system as a whole. He urged everyone to get involved in the process in October. The Commissioner was very supportive of complying with the resolution on the 50hp issue and tackling the problem. He wants the board to take a strong lead on the issue. Deputy Commissioner Fogels said he had hoped that the study would be done by now, and is hopeful the preliminary draft will be

done so that it can be used in the decision making process. He stated that he and his staff will work on getting the guide data that was promised to the board. Public education is also important and praised the implementation of the guide academy.

Dick Marshal stated that he was leaving the meeting feeling good. He felt good about the action taken by the board on the 2006 compliance issue. The meeting was started on time. He commended the Board on their efforts and dedication to the river.

Dwight Kramer talked about the working group. He was disappointed that the information that was needed for the working group to make a decision on guide limitations had not been provided as promised by the department. He felt the working group should not be discussing other issues.

Ricky Gease said that the working group that deals with other issues should be broadened with a strong public focus. He felt that the working group was not a failure, and that the guide academy is an excellent idea. We should not be focusing in on guides. People are making a conscious choice of going with guides. ADF&G has taken on the idea of limited entry of guides across the whole state, not just the Kenai River.

VII. ADJOURNMENT

A. Board Comments

Robin West spoke of the KRSMA logo “Working together...for the river”. He said this has always been our charge. There has been frustration at times, but has always thought the real value was have a community sounding board. He thanked everyone for coming and participating.

Keith Kornelis pointed out that the City of Kenai has finished the two new ramps and additional parking at the boat harbor. The season ran smoothly.

Jeff King stated that this would be his last meeting where he could sit and talk whenever he wanted. He appreciated the work done, although it is frustrating at times and things happen slowly. It might not be a perfect system, but it is our system and the Kenai River has provided him with a wonderful life and a great adventure and it was not without all the work that has been done in this room now and before.

Jeff brought up the subject of the escalation of derbies on the river. He felt they were absolutely contrary to the wording in the Plan. He spoke of a particular derby on July 14 and the deplorable behavior of the participants. There was beer being thrown from boat to boat. He questioned what kind of message this was to the public. This tournament was held in the peak of the

fishery and inundated the lower river with boats. People are being displaced for this corporate tournament, which does not generate funds for the river.

Tim Stevens felt that the Board had taken a step backwards regarding the 50hp regulation by allowing only the 50hp engines to comply. The older engines are typically more polluted. DEC has, in the past, considered listing the Lower Kenai River as impaired. The action taken tonight seems to show that the Board doesn't take the water quality issue seriously.

Ted thanked Jeff for all his hard work on the Board.

B. Special Recognitions

C. Date/Agenda of Next Meeting

October 12, 2006