Kenai River Special Management Area Advisory Board
Alaska State Parks
Special Public Meeting
September 28, 2006 6:30 p.m.
Kenai Peninsula Borough Assembly Chambers

A. Call to Order – Ken Lancaster

The meeting was called to order at 6:35 p.m.

B. Introduction of Board and Agency/Organization Representatives.

Ken introduced DNR Acting Deputy Commissioner Ed Fogels.

Ed welcomed all to the meeting on behalf of Commissioner Mike Menge. He also thanked the KRSMA board for hosting this meeting as well as the hard work the board does working on the complex issues facing the Kenai River. He said of all the boards that advise the Commissioner this board is by far and above the most effective and efficient and helpful boards we have. The purpose of tonight's meeting is to start discussions and get input on proposals to change the horsepower limits on the river. The KRSMA board has asked DNR to start this process and we are committed to listening to recommendations from this evaluation.

Ken then introduced Director of Parks Jerry Lewanski. Jerry explained that testimonies would be taken at a table across from the board. Jerry thanked everyone for showing up to take time from their busy schedules to come and give their opinions. We want the "world class" Kenai River to continue to be in that class for decades to come.

Ken introduced Tim Stevens from ADEC. Tim then introduced Kent Patrick-Wiley (from the Nonpoint Source Water Pollution Control Division Water) to present a short power point on the potential impacts of increasing horsepower on the Kenai River. There were handouts of the power point available at the back table. Kent reviewed the monitoring results from 2000-2006 for BTEX; and how the results related to Water Quality Standards; the impacts on BTEX levels if HP limit increased to 50; the potential 303 (d) listing of the Kenai River as impaired and those effects.

Ken then asked for comments from the KRSMA board. Joe Connors took the opportunity to bring the public up to speed on how we arrived where we are tonight. The Comprehensive Management Plan was revised in 1997 and has a statement in it that encourages the reconsideration of horsepower usage. Based on that idea two years ago the board's commercial user committee started looking into this matter. The committee came up with 5 recommendations to raise the horsepower to 50 HP.

- 50 horsepower – no more detuning
- Boat length set to 21 foot
- Boats currently utilized could be grandfathered but there would be a sunset
- All 50 HP must meet 2006 compliance
- Encourage parks to develop the educational program for all boaters

These recommendations were taken to the board, unanimously accepted and sent to the Commissioner. The Commissioner then asked for public review.

Brenda Trefon stated there is a 2nd Boat Wake Study coming out soon and it should be considered as part of the decision making on the horsepower issue. We have to make changes to keep our river healthy.

C. Panel Presentation of the Issues and Proposal

Ken then introduced Lance Trasky, DNR Consultant. Lance said he has participated in both Boat Wake Studies. In 2001 Dr. Maynard conducted measurements to compare the weight generating characteristics of 5 boats at Johnson Lake and 2 boats on the Kenai River. Under a variety of loading, speeds, distances, motor power and direction of travel. Additional studies were conducted in 2005 to determine which if any of these characteristics in the 2001 study along with the level of boat traffic on the Kenai River are capable of producing damage to the river banks. The 05 study report is expected in October 2006. Boats used in the 01 study were a 20' Willie Predator, 20' Koffler; 16' Klamath and 16' Lowe. The Predator and Klamath are V-hull boats and Koffler and Lowe are flat bottom boats. The boats were all weighed and measured and it was determined the V-hull boats were determined to be about 20% heavier than the flat bottom. It was determined the load and boat type were a major factor in boat wake. Only the 20 foot boats were tested on the Kenai River. Lance made the following suggestions:

- Wait for the final results of 2005 BWS before acting on this regulation proposal
- Make sure the regulation to increase the HP to 50 and to limit boat length to 21' will achieve long term objective
- Encourages use of flat bottom boats due to their producing substantially less waves
- Set minimum limits on motor power to weight ratio based on hull type

D. Rules of Order

Ken stated public comment would be taken from a sign up list that was at the back table. Each testimony is limited to 3 minutes.

E. Public Comment

Ken Tarbox: The presentations tonight reinforced what I came here to say. I think the board acted a little prematurely in making this recommendation. The presentations speak to that. We have been waiting for data to make a rationale recommendation. What we have here right now is a piecemeal approach with this. The questions that need answered: how much fuel reduction takes place with a 50 HP increase. Tonight we have heard not much. The erosion question cannot be answered as the phase 2 study is not yet available. Tonight we heard that hull and weight are as important as HP. At this point we need to go back into the data gathering mode and more importantly the data analyzing mode and put this together in a comprehensive way. The board needs to provide a vision of what they want this river to look like. Once you have a vision then you can look at the regulations. A number of us do not think the status quo is right from a social viewpoint, from an environmental viewpoint. We think this river is being pushed way too hard. I compliment DNR and the speakers for speaking out honestly. They spoke exactly to my point: the phase 2 studies need to be out and into the public so people can look at them. We need to look at this comprehensively and we need to start getting alternatives looked at that may go the opposite direction than 50 HP. Thank you.

Aaron Morris: I live on the river at mile 19. I have had to move my house back from the river. Some thanks of course due to the pressure on the river due to that situation. There are 3 thoughts I wanted to share with you. 1. The DNR idea 2. River flow and tide 3. Engine size 4. The Kenai River as a Park. Firstly there are

areas on the lower Kenai River which can handle HP and probably almost any HP. Up to about Eagle Rock – in other words in the tidal zone. HP is probably not an issue there. The next part of the thought is that when the water is high in mid-July there are probably spots near mile 19 where NO motor boat traffic should be because high water and high boat wakes cause intense damage to the bluff. The bluff in that area will maintain about a 60 degree angle of repose. Engine size: currently I don't think there is a 35 HP on the river. Unless some poor fisherman came from somewhere else and they are trying to get along. Most of them have a 35 "Alaska" cowling on whatever horsepower. I got rid of my engine quite awhile ago and went to drift and frankly I am a proponent of drift. It's a totally different experience on the river. We are not controlling the number of guides in the river, henceforth we are driving and exacerbating the whole situation of erosion. The BTEX which happens to be a poison and carcinogen and my well is on the river. Next step to that is I drink that water because some of that backfills into my well. I assure you if were having this chat with Alyeska Pipeline they would get shut down for those emissions. We are talking about something very serious that is very toxic. Not only to fish but to me. The river is a park. During the king run it is brutal. There is no fun out there for anybody. A friend of mine came from Washington last year and I drifted him down the river. I got to the confluence of Beaver Creek and literally almost had to pull the drift boat up on the sand bar to get around the guide boats that were blocking that confluence. It's borderline asinine. The silt fills your spawning beds and deteriorates your potential for more king salmon.

Rick Bucy: Currently Chairman of Kenai River Sportfishing. We are on record supporting the KRSMA boards horsepower resolution to increase HP to 50 and to limit boat lengths to 21 feet. I would like to add that we have been studying boat wake issue for many, many years and we have not taken any action. As Mr. Trasky mentioned increasing to 50 HP gives us the opportunity to reduce boat wake by 10-12% in the short term. Granted there may be a need to study hull, design and boat loading but here is an opportunity to "pick the low hanging fruit" and take advantage of this 10-12% reduction by going along with the KRSMA Boards' horsepower resolution. Thank you.

Dennis Gease: I live at 36710 Virginia Drive, Kenai, AK. I also live on the Kenai River south shore at mile 15.5. I have approximately 200 feet of shoreline. The bank at this location

consists mostly of sand and gravel subject to considerable bank erosion. I have watched with great interest the last 4 summers boat coming up and downstream at this location. I have watched wake after wake and the shoreline eat away at my banks. I have observed that the boats that are on step to create less of a wake and dissipate less energy against the bank than those that were not on step. Those boats not up on step and plowing through the water for whatever reason created larger wakes sending much more energy into the banks causing greater corrosion. I am here to tonight to voice my approval of allowing 50 HP motors on the Kenai River. This will help get the boats up on step quicker and allow for less wake energy therefore causing less bank erosion. The 50HP proposal is at least a step in the right direction to help with bank erosion caused by boat wakes. Every journey begins with a first step and I hope this begins such a journey that we will all continue to work together for successful solutions to our problems on the Kenai River. I thank you for listening to my thoughts.

Ron Weilbacher: I live at mile 16. The two presentations tonight were very interesting. I hope I can remember all of it. I am here tonight to voice my opinion between the 35 and 50 HP. It was over 20 years ago I was here in this room with Mr. Penney and a few others here when they took the big horsepower motors away. When they took the HP away they went to 50 or 35 – you had your choice. At that time I had a lot of big boats. I went to a Northriver boat and to an 18' and bought 35s and 50s. There was a difference and the following year I went to a 20 foot boat and there was a bigger difference. I just want to let you guys know I do recommend the 50HP. Most manufacturers now do not make a 35 and I think we can help the safety on the river by going to 50. I know we will save a little bit of erosion. The Rangers will be able to spend more time instead of lifting cowlings and looking in them. I was really surprised listening about the different hull designs between the Koffler and Willie boat because many years ago when I met Bruce Koffler he was a drift boat builder. I got him to build the first power boats. One of them is still on this river. I don't really know what else I can say. Ted, I am giving it thought about a flat bottom and different design with a Willie and I will talk to them more about it this week. I thank you for your time.

Ricky Gease: I want to speak two point of views tonight; one as Executive Director of KRSI and as private citizen. First off as KRSI Director. We are 501(c3) non profit fishery conservation organization. We have put a lot of money into habitat conservation.

I think we have put in 5 or 6 million dollars into habitat conservation projects and bank stabilization projects, responsible bank angler projects. We take habitat conservation very seriously and it's not likely that we support the recommendation going from 35 to 50. Our board chair previously spoke – this is a low hanging fruit. We do believe that it will reduce boat wake size by 50%. But any savings we can do on the environment I think we should do it. We have 300 members and most of them go fishing on the Kenai River on a regular basis. I believe our members should be able to go out and buy a standard, commonly available motor to use on the Kenai River without it having to be modified and in some respects break EPA law. EPA law says you are not supposed to modify motors. We just think a 50 is kind of the standard, next step up to the 35 that is out there on the river. We also think that private sector manufacturers should have a regulation that could be easily met. An industry standard regulation. 35 HP limit is nowhere else in the State, in the Country or the World. So as a manufacturer this is one of the most popular fishing rivers in the world, yet to meet that standard you have to do something special just for the Kenai River. As a market based economy that supports market based regulations that is just silly. Also for law enforcement, we have stepped up to the plate as a organization to support LE on this river. A couple of years ago, we gave a grant to Parks for an extra 15k for more law enforcement on this river. This year we worked with Rep. Kurt Olson to get about 40k more for additional LE on this river. We find it absurd that LE has to take time out of their day to look at fishery regulations to see whether or not something is detuned or not detuned. It is a cumbersome burdensome process and Park Rangers have to do inspections. Sometimes it may take an hour to see if it is accurately a 35 HP and that in itself may not accurate and those words from the Rangers themselves. They find it burdensome. So we have LE, the public and manufacturers who find this regulation burdensome. Linking the 50HP with some sort of boat length restriction we find very imperative. It needs to be fitted with something to make sure the boats get up on step. Getting on step is important. That's the vision – every boat out there should not be plowing through the water creating maximum waves. In terms of the environmental component to help reduce water pollution, we believe the regulation that we go to all 4 stroke motors with the 06 compliance is imperative. If you want to take water pollution personally you took a step back when you took that restriction off. Boating safety is another major issue. Boating safety is increased when you get up out of the hole quickly and on step more efficiently. To have boats plow through the water in

crowded conditions without being able to get on step quickly is just not right. We believe this will increase boating safety. What is the other regulatory option? We could all go down to 16 foot boats and to the Lowe boats – that's what my dad and I have – with a 35 hp motor. That allows 2 people get on the river. Maybe we could have a 20 foot flat bottom hull design that could get 4-5 people out on the river. Let's talk about boat pooling. I think enacting a 50HP regulation is not going to create a financial hardship on anyone. The other regulatory options will create hardships on people. About hull design changes – you can phase those in over periods of time. If we go that direction I would agree that we work with the federal government and get grants and buyback programs on things that are causing problems. Boats are expensive. We have had a lot of success stories on the Kenai River. Many people come up here and enjoy it. The idea that people are not having fun out on the KR – I find that absurd. It is the most popular, it's fun. It's popular because of a reason. I think we have done a lot of great things. The responsible course of action now is to adopt the 50 HP regulation. That will bring that regulation into an industry standard. Link it with an appropriate boat length. It's time to reduce boat lengths, lessen the water pollution component of it and improve boating safety. The two studies presented – the BWS and the pollution study have been out for a period of time. I think some of the conclusions put out by DEC tonight without peer review – you really have to question yourself about putting stuff out – I know you want to get information out there and I appreciate that – but some of the assumptions that you made in your drafts I think could be questioned. Before you come out to the public with stuff you want to look into your results and get critical feedback from your sister agencies with F&G and DNR. Thanks.

Bob Penney: I speak for myself and Cook Inlet Sportfishing Caucus and I provided my remarks to you Mr. Chairman and the board. Even with hearing what Mr. Stevens and company said today I do not believe I would change any of my pre prepared remarks and I will be glad to address the reason for that at the end. I talk about Bix Bonney in my presentation. Bix Bonney and I went to then Governor Sheffield many, many years ago and asked him to do something about some kind of control on this river. He started the board. We helped him go to the legislature and get the money appropriated for the board and I echo what Mr. Fogels said. To everyone of you I thank you for the time you put it for the river. I want you to think about something. Where would the river be if you were not here? Thank for the very unselfish time you put it.

We live in a log home on mile 23.5. I spend as much on the river each year as any other private angler I know of. Bix Bonney and I started Kenai River Sportfishing in 1983 to help promote sportfishing. We helped get Bix appointed to the Board of Fish and later on to this board. As much as for any other reason in my opinion the 35 hp only came into being as a backlash against the guides who then had 90 to 200 HP engines. One fellow had on the back of his boat "catch me if you can". He had 210 HP. There was a lot of public resentment against it. At that infamous meeting almost 20 years ago, Bix said "I have a 35 outboard and that's good enough for me". That's where the 35 ruling came from. He didn't mention that it was 10 years old on a 14 foot John boat that held 2 or 3 people nor did he mention no one even made a 35 HP anymore. So the 35 HP came from Bix's off the wall comment. That statement is the reason we have the limit today. In hindsight what a mistake that decision was. It was a fluke, no a scientific finding. We very soon learned that the 35 HP restriction was not powerful enough to get the typical Kenai River sled and it's passengers up and keep it planning without excessive wake. Over the last 20 years I have been a major force and I am proud of it, in the effort to mitigate bank habitat degradation, oversee habitat restoration and teach responsible angler fishing practices. I now spend over half my time on these issues through KRSI. We have raised through the Classic over 5 million dollars. Look at this river today, it is the most habitat protected, restored river in our nation. And we should be proud of that. For sportsman and commercial alike. It has been a boon to all of us. Protecting the baby salmon's habitat should always be our goal. The most important message I can bring tonight is to increase habitat protection and reduce habitat degradation. It is the overwhelming reason to get rid of the lumbering 35 and approve the 50 HP. You cannot do more to help the river than this single act. Approve the 50 HP and help us all reduce erosion. This reason overshadows any contrary arguments. Safety: overwhelming for the 50 HP. Wake Studies: if there had been a wake study those 20 years ago, you would not be having this meeting tonight. The 35 HP would never have been approved. It does not take a rocket scientist to see the damaging wake from the lumbering 35 is almost twice as degrading as the 50 HP would be. Speed limit concern: baloney. Compared to what. I address that in my subsequent note. Overcrowding: there are too many boats today. Now that is not true. There is less peak angling effort today than there was in the 80s and the 90s. If you look at the attached draft it shows the early run effort and the late run effort in 95 and

88 had the highest peak than there ever has been since then. There are no more people or boats on the river today than there was then. Summation: Except for what we hear tonight from Mr. Stevens there is not one scientific, environmental logical reason for 35 HP limitation. We say again there is not one viable reason for the 35 HP. None. Protect the Kenai. Help us all. Do your job. Approve the 50 HP. Thank you sincerely for your time.

Walt Arthur: We have a place at mile 14.5 on the Kenai River. It is interesting in listening to the previous testimony that mine might be a rehash. What I came up with in thinking how to justify a 50 HP. I came up with a formula: A + B = C. A is the load, B is the Boat and C is the HP. The load: right now we are authorized 6 adults in a non-guided boat and that does not count the gear and the dog. Five adults can be in a guided boat. So what I did I came up with an average of 1100 pounds. That what that equals to. Then I went to the boat. Boats are not defined by length, width, hull design or weight as of today – so you can use anything today. I have seen boats from 24 foot Miller Dalton to a pontoon boat. The most popular boat on the river is a Willie Predator – the 20.5. There is a reason for that. I have a flat bottom boat. After having both bulkheads, several ribs and a couple of seats cracked in that boat because of boat wake, I went out a bought a used Willie Predator. I like the boat because I can take my grandson out in it – it's safe. It has high sides. It's comfortable. When you go over a wake you don't have your teeth jarred and it's responsive. Now, we need to talk about weight. I came up with a ready to fish weight for 20.5' Willie Predator is 1900 pounds. Mr. Trasky came up with 2150, so let's use his numbers. We are up to 3,250 pounds. Now we have to have a motor that can get 3,250 out of the hole on step and take it up the river. I contend the 35 HP motor will not do that. I was in the same meeting as Mr. Penney was – at that time no one was making a 35 HP motor. Today no major manufacturer makes a 35 HP motor. The motors are 50s, 40s. Detuned means it is not operating at optimum tuned efficiency. So consequently there will be emissions. The motors on the river today is a Yamaha 50 4 stroke. People are using formulated props using special lifts and they are using lower units to make that motor perform to get that payload up and going. In reality you need a minimum of 50HP to make the Willie Predator go with the load. If we change the HP we need to change the load, we need to change the hull design, the length, the carrying capacity. This is not just one single issue. This issue is a multi-pronged issue that needs to be addressed for the Kenai River. That was done in the early 90s with the carrying

Capacity Study and tonight after hearing some of the other testimony we have made that circle. We are right back where we started from. I agree with Mr. Penney and some of the others that if we go to a 50, it will buy us some time to see exactly where we want to go. One thing I would like to throw out on making the concession to going to the 50 is something the board might consider. Another quiet day on the river. In other words, we have Mondays now, think about Thursdays. It would give the river a chance to settle down, the fish coming in on those two periods a chance to get upriver. Thank you very much for an opportunity to speak.

Joe Jessel: I live at mile 44 on the river. First off on the issue of the petroleum discharge which I thought was an interesting study. How can you ignore the effects of detuning with looking at the level of pollution. So you are looking at the difference between a 50 and 35. But that's not exactly what we are looking at. Looking at taking a 50 HP not manipulating it into a 35. Important point to consider if you are going to use what we were shown on the study. We have enough data showing that 50HP will give us a lot of benefits. The point that I came for tonight is addressing safety. There is only a 5 mph difference going to a 50. With the 50 HP you are able to get up on step and being able to see over the bow. Running up on step with the maneuverability is a problem with 35. I have been hit by another boat at mile 44 because he could not see over the bow of his boat and could not steer out of the way in time. Going to flat bottom does create less of a wake except on those high traffic area when you are having to slow down because of the other boat wakes. I don't see that would really solve your problem. Thanks a lot.

Bill Tappan: I am speaking tonight on behalf of my son Alan Tappan and myself. Alan has been a guide on this river for 19 years, lodge owner. I am a lodge owner here in Soldotna. Based on all the data that is available tonight and including the two presentations and some second phase wake study that is promised but no one has seen yet, my son and I aggressively support the increase to the 50 HP. And also if necessary capping the boat length to 21 feet. We don't see how this any negative impact, in fact we think it has more benefits. There are other items that affect this river that are just as important, like access, overcrowding, need for toilets. I don't see how 50 HP affects any of those. So again, on behalf of my son and myself we support this and I appreciate your time.

Mike Fenton: I have been guiding on the river for 20 years. There is a multitude of reasons why we should reinstate the 50 HP. First of all, motor run more efficiently at that designed horsepower. The obvious reason of less wake is the ability to get on step faster which increases your visibility and overall safety. The ability to buy a stock motor that needs no modifying or detuning. This also allows the enforcement to concentrate on more important issues. One aspect of safety that has not been talked about is that of use in salt water. A vast majority of our in river operators will over the course of the summer take these same boats out to saltwater via Deep Creek. In saltwater fishing we often have extra rods for halibut, extra bait, extra tackle boxes and most often a heavy anchor and buoy. This added weight compounded with potentially larger fish and lousy weather can out a small boat in danger. This increase may allow an angler to stay on step and avoid a potentially lethal situation. This restriction was an arbitrary number set 20 years ago. We need to adapt to the standards of today and adapt to these current needs. Putting all these observations together simply makes common sense to increase to 50 HP. It's long overdue. We are doing the right thing for the resource and the overall safety of all boaters, both fresh and saltwater.

Greg Brush: Thank for this opportunity to speak and testify on this subject. I am guide on the river for 17 years. I have listened to some very interesting studies and I take them very seriously. I don't have a prepared statement. I will keep this real short. I want to talk about one thing which Ricky and Mike spoke about. There is only one thing as professional fishing guide that I take more seriously than habitat and environment, fluorocarbons, boat wakes, all of these together and that is the safety of my occupants. I want to say this is not a cop out or an excuse to make my boat go a little bit faster. I am on my 5th Willie Predator. It's a 20 footer. My previous ones were 20.5. I don't have a console. I have custom fit props. I have a $900 power lift system. My point is that I have gone through these hardships for one reason. Not to get to the next hole 20 seconds faster than Joe Connors. So that my boat will plane out and so that at the end of the day I can hit the beach with my people safely. That's what the issue is here. To me as a father of two little girls, the issue is that daddy comes home safe and my customers get back safe. When my bow won't come down for over 100 yards because my boat will not perform properly than this is a very real issue here. I am in support of raising the HP to 50 and limiting the size of the boat. Thank you.

Dick Marshall: Live at 37186 Cannery Road, Kenai. I will give you a different slant on this issue. I am opposed to the 50 HP> I agree with what Ken Tarbox said. I think we have to wait for this study to come out. It will tell us a lot and it will raise some other alternatives to handling wakes. It does not make sense to me to have spent the public money for a study and then take an action like this before we have results from that study. With respect to safety I take a completely different viewpoint from this. I have a 18 foot Lund. I get scared out on that river as it is now. I don't believe you can keep a heavy boat with a 50 HP motor up on step under crowded conditions without creating a safety hazard. Only a 5 mph increase is a 25% increase in speed. That's a lot. An example is a noon turnover when the guides are taking clients back to the ramp and switching over for their afternoon clients. It's scary out there. I just cannot imagine what it will be like with 50 HP. People don't fish just for fish. They fish for a lot of esthetic reasons. They fish because of pleasant surroundings. Any river is a special place. I think of "A River Runs Through It" and how the author is haunted by rivers. Many of us know what that means. It deserves all the respect we can give it and that's how we take care of it. I'd like to point out that the Peninsula Clarion several months ago had 721 respondents to this question: Should there be 50HP engines on the river? 62% opposed that. That's the general public, not people with vested interest in this issue. The other solution to this wake induced bank erosion is smaller, lighter boats. It's not all about Willie Predators. Fewer boats, fewer people on the boats, no wake zones, additional drift only days. I chose to make my home here on the Kenai River primarily because of the Kenai River. Many of my neighbors say they no longer enjoy the river. They don't fish there anymore. Too many boats going too fast. This is supported by ADF&G use data that shows that non guided effort on the lower river during the late run has fallen from between 200,000 and 250,000 angler hours annually between 93, 94 and 95 to between 125,000 and 140,000 angler hours annually during the last three years. That represents an alarming 44% decline in non guided effort over a 12 year period. We should be concerned about this. You put 50 HP on this river and you can be assured that non guided use will drop further. Thank you.

Mel Erickson: I have been a guide on the river for about 18 years now. I have a 20 foot Willie Predator purchased three years ago. It's really inefficient, really underperforms with a 35. Like Greg said I have $900 power lift on it. This year I went up to a high performance stainless steel prop and finally got a little bit of

performance out of it. If you went with a stock 35 you probably could not move up the river. I have nice comfortable seats in it that weigh more than your standard fish on seats. Clients rave about having the nice comfortable seats with the arm rests on them. I just don't see what the big fuss is between 35 and 50. It's not that big of a difference but we are operating right at borderline of being able to be on step or not on step and that is the difference between 35 and 50. When I first started I had a 20 foot alumaweld. Flat bottom boat. I still have that boat. It runs great with a 35. It's about five foot wide – one thing I noticed when I got that Willie – keeping the other as a second boat to have another guide run it. The first thing I noticed is when your clients show up and some of them are going in that boat and the other ones are going in the Willie, the ones going in the flat bottom say "hey, what's the deal here, how come we're getting you know second class boat here". They are looking at this nice Willie and all the fancy seats in it and they are thinking they are getting ripped off. So now I realize okay, if I'm going to have a second boat I will have to upgrade that one to a Willie. My boat broke down one day, so I went over and grabbed the flat bottom, and got my clients out on the river the first day. The second day I had my Willie back, they said "boy we are really glad to go out one day in your older boat because it really makes us appreciate the comfort of this Willie with the space that's in it and comfortable seats and everything". With the 35 it is just real sluggish, creates a big wake, takes forever to get up on step. I have to put a ton of money in it just to make it efficient. That's the reason I really support this 50 HP increase. It's not like we are going up to 100 HP and be running up and down the river at 100 mph. I just don't see what the big issue is here. I am in favor of the 50 HP. Thank you.

Ron Rainey: I very heartily support the upgrade to a 50HP. There are many reasons that Bob and Ricky and everyone before has already stated. I'll say ditto to Bob, ditto to Ricky and we need to move in that direction. One thing I'd like to touch on though is safety. There are a lot of old timers like me that are out on the river quite a bit. I've got 35 HP detuned motor on my boat. But I've got a high bow on it – a Koffler. To get out of that hole it really does block my view. I have to wiggle the boat both ways as I'm getting out to make sure nothing is in front of me. With a 50 I could pop right on top. Makes a world of difference in safety. I totally disagree with last gentleman – and that is certainly your opinion – the speed is not going to make any difference at all. It's 4 to 5 mph. Another thing I'd like to take exception to is the speaker

that gave the pollutant studies on the hydrocarbons in the water. It's very easy to measure hydrocarbons at a certain point in time. I am certainly no scientist, but the exposure of hydrocarbons over a period of time is what cause damage, am I right? If it's 2 hours or 1 hour and it's back down, that is why Ricky said we should have a peer review of those kinds of studies before they are presented in a meeting like this. It scares everybody to death and they think our river is being polluted. Well, we may have to change one little thing and increasing the horsepower may help that, but let's peer review those studies before somebody comes out and says hey we are way over the hydrocarbon level on the Kenai River. What is that was the headline in the Kenai paper tomorrow. So, anyway we have to be careful on what we say and do in public forums, but what we can do in a public forum like this is endorse the 50 HP. It's an immediate help to the river, the habitat and we should do it. Thank you.

Mike Crawford: I live here in Soldotna. I have a Willie Predator also. I am not a fishing guide. I am for the increase to 50 HP motor. For all the reasons that have been beaten to death. Safety. I am 6' 7". I sit at the center of the console so I am up forward. I cannot see over the bow of my boat when I have my dad, much less 4 clients. The drift only thing – I have been in one accident on this river. I was in my drift boat and a boat ran into me because he could not see coming out on step. An interesting point about the hydrocarbon study – for years I think the enforcement of the 35 and this is my opinion – maybe was ignored and then here we have enforcement of the 35 HP suddenly became priority and hydrocarbons jumped up. Is that because we all went from 50 back to 35? Now there is an interesting thing. I mean the fact is, most people in this room are afraid to admit it, we all were running 50 HP for years and no one was running into each other and now we are trying to follow the rules because there is enforcement and the hydrocarbons went up. So I think there are other ways to go to reduce the hydrocarbons. This is an easy fix. It is a positive fix. Spent about 200k to examine boat wakes and it says that increasing the horsepower is a better thing for the river that does not involve me buying a new boat and the safety thing is there. I agree with all the other reasons stated for changing to a 50 HP.

Bill Gifford: I was a little disappointed we were not allowed to ask the speakers any questions. One would be 10 parts per billion – is that the level for drinking water or is that some other level. Another issue is that a state standard and what is the federal

standard. I am certainly not in favor of having hydrocarbons or any of that sort of thing in the river, but what level are we really talking about and what standard are we using. I think that should have been presented. And wasn't that a Sunday on the 10 parts per billion. Sunday of course is a time that the guide boats are off the river. I for one am a guide. I keep my boat tuned up. I keep it as clean as possible. But that would be the day that most of the older 2 strokes are out there on the river. It really is probably a 2 stroke issue not a horsepower issue. I am certainly in favor of increasing to 50 HP. Granted it is getting out of the hole, but running in the wet weather this year – my boat when I have 4 people on board and catching pinks this year – when I have a load of pinks and a load of silvers in the boat – I could not get up on step at all. I was just plowing through the river. So then I am confronted with the issue of do I violate the rule of putting clients on the bank unattended while I bring in the fish, then come back and get them – or do I keep them and the fish in the boat at the same time and plow upriver putting up a heck of a big wake. With extra HP I could have gotten up on step. I think it is safer to have the 50 HP. Right now if I have 4 clients in the boat with a couple of kings I have to be at full throttle the whole time. I have no reserve power for taking any evasive action. If I don't have it loaded up I have some ability to maneuver. That would be increased safety as well. Also talking about the size of the boat, I have several clients that are local people that go in my boat because it's cheaper than owning their own and one gentleman cannot stand up in the boat, so he has to have enough room in the boat that he can move around – swivel the seat to fight a fish. The other thing that happens when you are fighting a fish is that clients have a tendency to be standing up and if you are in a small narrow boat you have more of chance of somebody bumping into each other and losing their balance and falling down in the boat. Going to a smaller boat could potentially cause some injuries.

Don Johnson: Po Box 876 Soldotna, Ak. I got a big deja vue experience sitting out here listening to all this because I sat in this room 20 years ago or so and basically the same issues were kicked around then only there was a lot more people then there are today. We probably paraded a couple hundred people up here in front of the 17 experts at that time. The Bix Bonney thing that Bob Penny brought up – he is exactly right – that is how the 35 HP came to be – Bix Bonney said hey, that is all you need. And in a way he was kind of right because back then in 1978 I started fishing the Kenai with a 18 foot Alumacraft boat – 400 pound boat with a real 35 HP

engine and that's all I need. To this day, that's all I need to guide on the Kenai River. I've been doing that for 28 years. I ran that boat for a couple years and the reason I upgraded to a heftier and larger boat was juts safety. You don't need all that metal and all that horsepower to get up and down the river but people perceive that there is a need for it because of safety. They look at the wider boats and they think they need that. Next thing you know the sides get bigger and the engine has to go up to meet the weight and we are where we are today. Back then when the 35 HP was decided on everyone thought they were crazy. There was a Coast Guard hydrologist and he said you are deluding yourself by thinking decreasing the horsepower will decrease the boat wake. I told them back then that is exactly it – take the horsepower down, you will get bigger wakes and I've been throwing bigger wakes ever since. It does not really bother me to get a smaller boat or large boat or same thing with horsepower – I can do either one. All I need is an 18 foot boat with a real 35 horsepower engine and I can run the Kenai River. But the way things are today if you attempt to put in what I see on this paper here – length restrictions, horsepower increases – I will take my 23 foot Alumweld boat with detuned 50hp, center console flat bottom and I will buy a Willie Predator with a 50 HP. What you will end up doing is taking the most efficient boat on the river that puts out the least amount of erosion wakes and you will change it into a Willie Predator and that puts out 30% higher wakes and you will be put in the back of the boat with a lifter and it will be less safe. I told this same room that 20 years ago. Everyone has mentioned the wake study coming out – and here you are trying to make a decision before it gets here. You have a lack of information as to what is going on with the boat wakes and you are going to make a decision before it gets done. I'd love to have a 50Hp – it will make everything a lot easier. But you start talking about reconfiguring boats – I am not in favor of that. I think you are talking about something you don't know about. I think that study will clear up a lot of things.

Joe Hardy: I live on Funny River Road just off the river. I have fished the river since 1974 – I have guided for 12 years. I own several lots on the Kenai and they have all had bank restoration done. A lot of work and great expense. I just think the board will be remiss in not going to 50 HP limit. We have the evidence it will reduce wakes and I'd like to see it to protect my property. I'd also like to see it just for the fact that it will be the right thing to do. When we went to the 35 HP 20 odd years ago there was no studies done, absolutely no scientific reasoning for doing that – just pulled

out of a hat and that's what they decided to go with and we have had to suffer with that ever since. We have the science to go to 50 HP and the science demands we go to 50 HP. As far as safety goes, we have all seen a multitude of 50 HP boats up until a couple of years ago when they really started cracking down and there was no problem with speed or safety issues. Most of those boats with 50 HP barely beat me up the river and I have a Willie Predator. You will not gain that much in speed but you will gain a lot being able get up out of the hole and on step. I strongly believe we need to go to 50 HP.

Dave Goggia: I live at 2915 Clipper Circle in Kenai. I bought my first boat up here in 1980. It was a Klamath. I also had a Lund and fished both in Cook Inlet and the Kenai River. Started guiding in 1980 when I bought my first Willie Predator. By far a lot better boat than either the two mentioned. I have fun on the river. My clients have fun on the river and rebook every year. I was late tonight so I missed the first presentation on the hydrocarbons in the water. Having heard that information in previous meetings, realized they were probably talking about Sunday being the day when the hydrocarbons were escalated. So it did not surprise me that is the day when most of the 2-cycle outboards are ran. I think it is a well known fact they emit more hydrocarbons in the water. I am one of those guides that starts my fishing season in May at Deep Creek and the limited horsepower is a safety issue there for sure. Especially if you have been out there, you know it can blow and get rough. You need that extra horsepower to be able to combat the waves and keep yourself out of danger. I can say ditto to most of the other guys that have talked about supporting the increase in the 50 HP. I strongly support that as well. No negatives about not increasing that horsepower.

Jim Wilson: I have been fishing the river a long time like most folks here – about 30 years. I have owned boats with horsepower from 15 on to 150 with a jet pump. I would just like to say that of all the boats I have owned my Willie Predator with a detuned 50 is the only one I really don't care for. It is underpowered. It makes a very big wake. I don't believe it is a safe boat and I sincerely hope that you approve this request to increase our motors up to 50 HP, plain and simple.

Paul Zoebeck: I have lived in the area for 30 years and I have guided for 20 years. I would like to start out by saying I was trying

to think of something that has not been said, but it is pretty hard. A lot of good points have been made. Much of the testimony I believe revolves around the beautiful boat we see on the river that is underpowered, the Willie Predator. Who wouldn't want to fish out of that? Who wouldn't want to own one of those? They are tremendous boats. I do not own one. One of the things that has been said tonight is the assumption that the 50 HP will be the answer. It may well be the answer. One of the things that I would like to do tonight is project 3 or 4 or 5 years down the road and make the assumption that this rule is passed at 50 HP. It's adopted and the guides are happy, the fish are happy, the water in the Kenai is happy, the banks are happy. If that happens I'm very happy. But one of the things that I think we should do, and I have heard people say we were in this room 20 years ago – one of the things I will ask tonight and remind people of continued research and data driven decisions based on biology – not "I like my Willie – I wish it would go faster". That is not a biologically driven decision. One thing I would ask is that we continue the research. If this in fact enacted, how will we know that it was the right decision. Because like any of us have said, yeah our boats will plane better, it will be safer – those are non-biological things that we want now. But how will we know that was good for the river and if we continue research and we say we adopt the 50 HP and we are looking for certain things that it produces positive results and we can identify those, then we will know we will have made the right decision. If that does not happen, we can't be in here 20 years later – We have to be in here a little sooner – We have to say this is what we thought was going to happen, but this is not what is happening. This is what is happening. So I hope that the research continues and we look at this in terms of did we make the right decision. Let's not wait a whole long time before we identify that we did or did not make the right decision. Instead of saying I am for or against – I think I want what everybody wants – but it has to be proven.

Robert Ruffner: I am the Executive Director of the Kenai Watershed Forum. Echo briefly comments made by some of the others. I do appreciate the time that each of you sit on a volunteer board grappling with some difficult decisions on the controversial river. I don't want to speak to the 50 HP per se, but I do want to speak to the hydrocarbon issue and several questions have come up. There are at least four peer reviewed studies that have gone forward that show what the levels of hydrocarbons are on the Kenai River. As early as 1991 and as recently as 2005. Since I have been

in my position I know I have made several presentations to this board about the levels of hydrocarbons. There are a lot of things you can debate but there are some things you cannot debate. The things that are not debatable are that the water quality exceeds state water standard that is promulgated by the Federal Clean Water Act. Those standards are violated every summer that studies have been conducted in July – short period of time – all those things you know about – but it is not debatable. They happened and we know why they happened and they violate a federal law. The state has the opportunity to address those for awhile and this is the pitch I would very much like to make to this board. You can do what the majority of people here are requesting and that increase horsepower to give more power because boats are clearly underpowered. That is one issue. The opportunity that you have is to take care of this by going to cleaner motors or making a significant step towards showing you can have cleaner motors on this river and avoid some federal oversight that will be painful. It will be painful for every user group, painful for you as a board, painful for the agencies that have to deal with that. We have made some specific proposals in the past about what could be done. I encourage you to make sure that when you take this action what may come on the heels with some federal oversight. Thank you.

Shirley Gifford: I am a member of KRSI. I absolutely believe in the brain trust of our organization and certainly ditto everything that they have testified to tonight. I am not an expert in boat wakes. However I do live above the Big Eddy hole. I spend a lot of time on the river and I also watch people on the river. I see many boats take a very long time in getting on step if at all. I understand from my 28 years in law enforcement the safety issue that presents. It is very concerning. This is why I believe in the 50HP motor increase. Last year the Parks had written right around two dozen tickets for motors. This year there were considerably less tickets written. Some of it may have been for compliance reasons. But I have it on pretty good information that it is because of the societal pressure to re-prioritize to more serious issues. I think that was appropriate. I have been in law enforcement long enough to know you have to prioritize what you are going to be paying attention to. If there are safety issues out there, illegal guides and that type of thing, that is the type of thing you need to focus on. I really appreciate this time to be heard and appreciate all the work the KRSMA board is doing. I would just like to add that my husband being a guide, a lot of our contacts and friends who are guides, that

I just don't know of a single person who believes we ought to stick with 35 HP.

Cliff Chamberlin: I have guided on the river for 15 years now. I will not sit here and go over all the good reasons that have been presented here. But I will say I don't have a Willie Predator now but I am thinking about buying one. If I can have a 50 Hp to make it run more efficient I'd appreciate it. I am in favor of that.

Terry Corson: I am not here to represent Rons Honda, but that is exactly where I work. So my testimony is personal and also from that area. I think I have more questions than I have answers for any of you. My first question would be to the board as far as the 35 – we are doing a 35/50 issue. Do we really know we are on the 35. In that meaning I have heard that from a lot of people, even from the guides. Are we really pushing 35s. From my point to Jack from this Alaska special might be that – we have a sticker, we have cam and that's what we look for. But to the best of my knowledge I have no information that anybody has actually tested to see if that is a 35. So whether we are going from a 35 to a 50 in reality is pretty much unknown. I can tell you from a mechanic point of view, you are not. You are way over 35. Detuning has to be done by a manufacturer. We have laws written up. As a dealer it's crazy. If you walked into my store today and you said I'd like to buy a boat for the river – I would just have to go "Oh my goodness, here we go again". I really don't know what to tell you. I have been told by Washington that my detune kit is illegal. I have been told by the Anchorage office it is okay because it was a throttle restrictor, but Washington says that is wrong. In cars it is okay because you have a catalytic converter but what you have is illegal. You put the dealer in a bad bind when you made the law. To be honest nobody knows what a 35 is. If you look at the back of a manufactured outboard and it says 35 – since 1987 it had to be registered at the prop. That means it had to conform to the emissions sticker. It had to reach 35 horse. It does not mean it did not go past that. It just means it was regulated to 35. A 50 horse has to register a 35 at the meter and has to meet emissions. If you take out 1/3 of it, you basically are plugging it up. It is kind of ironic we are paying to take away the 2-strokes which I agree are definitely dirty, but then we are plugging up a 4-stroke. So I think the first issue is getting rid of the detune kit. The question on do we want 35 or 50 – to me it sounds like do we want big or small boats. That's where it comes to. You need 50s to push those big boats. Somebody has to decide what size boats – I think that is the issue.

F. Closing remarks; follow-up and written submissions

Joe Connors: I would like to go on record. I live in Sterling at mile 31. I have been there for 34 years. During that time I have been guiding on the river. I think one of the important things we have to keep in mind is the timing. The proposal sent to the Commissioner is not something that was decided just last week. We have documented proof we have been working – the commercial use committee and the KRSMA board – on this for two years. We are putting a proposal forward that is not in total. We have heard various people speak to the need for continued workings with that. Maybe some modifications. But the point is this is a good plan to go forward at this time and then in future times we might be able to make some amendments to it. One thing I would like to say changing the subject is that I was a little bit distraught that DEC made their presentation here tonight for the first time. I felt it was inappropriate. It should have come before the KRSMA board. I looked at that as a scare tactic. The agency should not have done that. They should have made that at our next KRSMA board meeting.

Ted Wellman: I listened to the presentations tonight and I appreciate everyone coming in to offer their opinion. I was interested in the DEC presentation. I also believe I have not heard anything that says the 50 HP is not a good idea. But we need to do a lot more. We will have to see that second half of the Boat Wake Study that comes out in a couple of weeks before we are able to see this go through the regulatory process. If we do not consider it, we are just opening up an obvious challenge to the regulation. I hope it does not change your opinion but we just need to wait and see.

Rick Wood: The boat wake study – we waited all last winter for that study and I sure hope we don't have to wait another year and out this on the table. We need to get some answers on this detuning problem.

Brenda Trefon: Two comments to make. Once is about the detuning of 50 HP 4 –stroke. I am not sure where the disagreement is here. We did meet with the EPA office and we were told that if they were detuned by the throttle that they would still meet the emissions. So obviously there is a disagreement that needs to be brought up in a different time because there are two different opinions coming from the same federal office. Secondly I hear the frustration you have waited two years for a boat wake study

results, but I also hear you have been working on the 50HP for two years. I just want to say that I have worked on the boat wake study longer than that and we went by the KRSMA Boards plan when we wrote the grant. It takes a lot of time to get the money and to get the research. I understand that is frustrating but we are doing what is the best science we can get for the river. It is not a quick process.

G. Adjournment

Ken stated there will be written or verbal comments accepted by the department until October 12th. The Commissioner will then make a decision. Meeting adjourned at 9:06 p.m.