

**Kenai River Special Management
Area Advisory Board Minutes
For
Thursday, November 8, 2007**

I. CALL TO ORDER

A. Roll Call

Members present: Joe Connors, Ted Wellman, Curt Shuey, George Heim, James Czarneski, David Carey, Jack Lashot for Rick Koch, Bobby Jo Skibbo for Jeni Evans, Tom Vania, Jack Sinclair and Tim Stevens.

Members Absent: Brenda Trefon, Richard Dykema, Richard Hahn, Gary Knopp, and Robin West.

B. Minutes Approved of October 11, 2007. The minutes were approved as written.

C. Agenda Changes -None

II. PUBLIC COMMENT

No Public Comment.

III. OLD BUSINESS

A. Guide Advisory Committee report – Connors

The committee met today to discuss seven items. The guide stipulations for the 2008 season have been revised and completed. The second item was a guide replacement process. At this time an item needs to be brought to the board for further discussion before finalizing proposal. The committee would also like to meet with someone from the Department of Law or DNR Administration to help in the process. Currently the guide replacement process deals with only those guides that are currently registered for that particular year. Next was parking passes for The Pillars, with a season pass proposed, and this is in the package proposed by the superintendent. The fourth item was a discussion on limited entry program. This was postponed until a meeting next month. Discussion on the public use impact study for the Kenai River was just getting started; the committee is contemplating some ideas for that. The committee also postponed discussion on the complaint summary until next month.

B. Kenai River Center Report- Pam Russell: guide complaint summary-

The summary contains all of the complaints that were submitted to Alaska State Parks for the 2007 season. The summary consists of the

date, location, source of the complaint, the complaint itself and the action that was taken.

Ted asked if any of the complaints were referred to the guide advisory board.

Joe said the guide advisory committee noted some of the complaints were to be given to the guide committee and they have not discussed them yet.

Ted stated when forming this guide board and changing the commercial committee into a guide board one of the main goals was to have a sounding board for dealing with some of these complaints that might not be specifically questionable but involve inappropriate behavior. Why have not all complaints gone to the guide board for some discussion?

Joe stated the committee is working on refining the process.

Pam clarified when the complaint is taken the person is given the option of how they would like to handle the complaint. People may not want to come in front of a board and discuss the issue. The compiled information was to be used by the guide academy in the ethics section.

Ted also commented the action taken column needs to have more detailed information. Pam said the original complaint form contains the detail and follow up information.

C. Contamination Report: Zipmart and others - Stevens

Historically DEC has kept this board informed about four contamination sites up and down the river. The farthest upstream site is Hamilton's Gas Station in Cooper Landing. That site received a conditional closure with no additional cleanup required at this time. The source contamination being gasoline; the soil was removed to depth as far as they could dig down with a backhoe. There are still contaminates down deeper. The type of cleanup right now is natural attenuation, with ground water monitoring. The contamination plume is stabilized and is getting smaller. At this site there are sentinel wells between the contamination and the river, for monitoring purposes.

Another site is Cook's Tesoro. A settlement agreement was reached in August of 2007. It is a state ownership site and additional costs for cleanup will be absorbed by the state. Ground water monitoring shows that there is improvement in the plume and it is getting smaller. The ground water treatment system was a "pump and treat" system that has been shut down. The site received a conditional closure in August of 2007.

The Zip Mart site is going through a ground water monitoring process. It has a soil vapor extraction system (SVEP) that was expanded to the east last year to pick up some secondary contamination detected from a heating oil tank. The ground water plume downstream from the soil vapor extraction system is showing a decline in the contamination level. There was a report of an increase in the monitoring wells at the edge of the plume. The SVEP system was drawing the fumes up causing a higher concentration.

River Terrace: this site is still undergoing treatment with hydrogen releasing compounds to aid in the breakdown of contaminants. Perchloroethylene (PCE) ground water monitoring is done twice yearly. The plume is degrading as PCE breaks down into smaller and different components. Sediment sampling was completed in 2004 and 2006. In 2006 they did not see any PCE in sediments; however they did see levels of vinyl chloride, and Trichloroethylene (TCE) above water quality standards. These sediments were not found in the water column. A soil sample was taken from the contaminated area and the water was extracted from the soil sample. The water sample did not show any contaminants. Another sample will be taken and tested in the 2008 season.

James C. asked if any of the water wells in the area were shut down due to the contaminants?

At the Zip Mart location a new well was installed and at the nearby school.

Joe asked if there was a total amount of gallons at the Sterling Tesoro recorded. Tim stated he did not have that amount available at this time, but estimated approximately 750 gallons had been recovered.

D. Additional discussion on Deputy Commissioner Letter of 10/11-

Director King is excited about the commitment from the board to meet on Saturday, December 1 to review the management plan. The letter asked the board to review the plan, picking out pieces of the plan that still need work. The board should start putting those in a priority list, as well as brain- storming other issues and other planning efforts or addendums to the plan that might need to be added. One of the concepts he would like the board to pursue is to take part in a visioning exercise starting with the year 2020; for example if we were in the year 2020 and you had a magical wand what would the river look like and come to some consensus on that.

E. Public Use Impact Study Discussion- Sinclair/Handout –

Jack Sinclair handed out a draft proposal of a description of what a Public Use Impact Study might require as far as scope and funding. The

draft was distributed at the original working group back in 2004. It refers to one possible way of looking at a public use impact study. It should be used as a reference and may not resemble the actual impact study. Whether we are doing a new impact study or reviewing past studies for reference and assimilating the information into a more usable form will be for the board to contemplate.

James C. asked how this fit into the big picture. Ted stated the court order might be satisfied by considering all the other studies about the river. We hope this (the public impact study) would incorporate all the other studies and meet the court order.

Jack stated the court order was addressing a moratorium. The court order stated no limit would be imposed on guides until a public use impact study was completed that addressed all users. Director King stated the hope for the study is to have it done in 2008 and bring all the other studies together. The department is working hard to get the money together.

F. Correspondence sent- The board approved to send the October 19th letter. This letter was to encourage the legislature to add the lands along Kenai Lake and Trail Lake and some EVOS to the Kenai River Special Management Area.

G. Regulation Package update-Sinclair or Commissioner's Office

Director James King stated we believe we have a final draft between Department of Law and DNR. We anticipate they will go to the Lieutenant Governor's office in the next month and the regulations would take effect shortly after the first of the year.

Joe asked if there are any significant changes that were proposed by this body. Director King stated one of the loop holes was regarding when the regulations would take effect; another was making sure 2 stroke engines above 35 horsepower and below 50 horsepower were prohibited for the next 2 years through 2009.

H. Comp Plan review Date Confirmation December 1, KRC Saturday at 9AM the Kenai River Center. All day.

I. Cooper Landing Bypass status-Sinclair

HDR is still under contract to do the technical reports for the federal highway project. The federal lands managers and state agencies recently met with HDR about wildlife crossing. The technical reports are still not due until next year. They are still moving ahead on the project. Joe and

Ted both thought this project was no longer a priority for the state as they both read something in the newspapers to that effect. Jack said he would verify this.

IV. NEW BUSINESS

A. Mary Toll Presentation on KPB Ordinance 2007-33

This ordinance would require the construction of some roads in some subdivisions before the subdivisions were developed. This ordinance has come around in different versions at least four times. It was approved in 2001 by the Assembly and then vetoed by then Mayor Bagley. So in March of this year Mayor Williams and Assemblywomen Martin dusted it off and brought it back. Ordinances 2007-11 and 2007-10, brought back a requirement that would change the road construction standards. The two ordinances were confusing and left to die on the table. They came back with 2007- 33, and that was introduced in September of 2007.

With so many amendments attached to this ordinance a substitute package was handed out with a Memo from Max Best showing the incorporation of all the other amendments. What this ordinance will do is require a very small amount of the subdivisions to have roads built before they are platted or the developer may choose to propose construction of the roads before he records his plat by committing to some sort of financial guarantee or a deed of trust. Mary looked at 6 month's worth of plats and said 16.5% of these would require construction under this ordinance. Of those half or three-quarters were developers that already build the roads. Therefore approximately 8% of the plats would need to construct the roads before final plat. If this ordinance is adopted, the administration would come back immediately and reintroduce the road standards ordinance that would change the actual road construction standards to protect anadromous streams and buffers near rivers and streams.

James C. asked if this version includes an amendment that would address 100 foot from a salmon stream.

Mary said the Mayor chose not to put this in the amended version. The intention is the issue will be addressed in the road standards ordinance.

Joe asked if there was a percentage of roads in the subdivision that are being built or proposed to be built within 100 feet of a salmon stream.

Mary did not have that information.

James C. said Robert Ruffner had staff look at that. They looked at around 300 plats and there were around 6 to 8 of the plats that would fall around that 100 foot buffer that would have been affected.

Joe stated that this amendment is an improvement but has concern about the standards. We have an issue in the borough about culverts. The roads standards need to address the anadromous streams for roads and culverts.

Joe submitted a motion to have the board to support this ordinance 2007-33 and have it sent to the assembly to be read.

James C. seconded the motion.

Curt asked if there has been any opposition to this ordinance publicly.

Mary Toll: Yes, the survey community has voiced quite a bit of concern that this will slow the process down for sub-dividing. Their issue is the portion of the ordinance that will be in place will be managed by the (borough) road maintenance department. It has not been determined how the road maintenance department will handle the process.

Ted asked when this was going to the Assembly.

Mary stated November 20, 2007.

Ted: Is there any more comment or public testimony? The November meeting will be to pass the ordinance or not. They postponed public testimony at the last meeting.

Written comments are being accepted for the motion until November 20th.

Ted commented there is a motion on the floor. Does anyone wish to discuss that?

Curt said he was uncomfortable about a motion when there is different thinking in the community and we have not given them significant notice to discuss this.

Ted stated we had a rule that the board would have 2-week notice but not always in regards to letter of support or opposition. Ted talked about the board making more timely comments to the planning and zoning commission on plats that are coming out so we don't have last minute things coming out. Ted asked if anyone was opposed to a letter of support for the ordinance.

Jack asked if this letter is in support for substitute ordinance 2007-33 with the amendments as posted by Max Best.

Dave Carey stated he did not support the letter.

James C. asked what if we individually read the memo and then do an e-mail vote?

Joe commented if the assembly is going to deal with this in the near future, we need to deal with it now.

Jack asked if this could be more of a general support letter and not a specific amendment or ordinance. What you do support, basically, is a development of standards that both protect salmon streams and watershed surroundings.

Joe agreed and changed the motion. Building to standards and protecting the habitat. Joe proposed to withdraw the motion in favor of a different motion.

James C. proposed a motion to support road construction standards and practices that offer more protection to salmon stream and watershed before the final plat approval.

Joe seconded the motion, which rescinded his previous motion.

Ted stated the motion is not an endorsement of the ordinance but endorsement of the concept.

Motion passed unanimously.

B. Presentation: *On the River*- John Czarneski, Jan Yeager

John Czarneski works at the Kenai River Center for the Kenai Peninsula Borough and Jan Yeager is the Education Coordinator for the Kenai Watershed Forum. A new publication is now available called *On the River* the subtitle is *A Guide to Owning and Managing Waterfront Property on the Kenai Peninsula*. This book was developed to help property owners to develop their property correctly the first time. Copies are available to at the Kenai River Center.

C. Boaters Handbook Outline and future meeting with Boating Safety Education Coordinator Joe McCullough for Dec 13- Sinclair

A draft of the handbook was given to each board member. Joe McCullough education coordinator for the Alaska Boating Safety Office will be down for next month's KRSMA meeting to ask for input and talk about the handbook. This is a useful handbook for people intending on Recreating on the river and for those who live on and around the river. It is intended to be a boater's basic informational book specific to the Kenai River.

D. Deferred Maintenance Report for the KRSMA- Sinclair

Jack informed the board about the State Park deferred maintenance catalog web page link that is seldom visited but it is very important to the area. It represents the most outstanding maintenance issues that need to be attended to. There is a huge backlog of things that have not been taken care of over the years and the lack of ability to get to all these done. The report talks about all the facilities in the area that needs addressing. These are ranked by priority as 1, 2 and 3. We are hoping that during this next budget cycle serious attention is made to the state parks in deferred maintenance within the State's capital request. The hope is for 2 million dollars for the Kenai Area in 2008.

Bobby Jo Skibbo asked if getting a group to volunteer to help with maintenance in the State Parks such as Adopt a Cabin.

Jack stated we do partner with other organizations to help with finances in helping with the program. Not actual physical help.

E. Resignations, Appointment information, if available

Ted stated that Ken Lancaster has resigned his position on the board for his own reasons. The board now has another slot to fill. He talked earlier about the appointments. Director James King and Deputy Commissioner Dick Lefebvre are interviewing prospective candidates.

The timeline is to have the new positions in place by the December 1st meeting so they may participate in that meeting.

F. Board approach to filing objections with the KPB Planning and Zoning Commission- Wellman

Ted stated there are concerns the board needs to be more involved in the platting process. One of the major challenges we are being faced with is riverbank development that is inconsistent with our comprehensive plan. The comprehensive plan calls for low-density, large lot subdivision on the river which was what the board recommendations have been in the past. We have seen a lot of proposals that are anything but; they are quite the opposite. He recommended reviewing the plats with the permit committee and be prepared to take a position on these.

Director James King recommended that we amend the Memorandum of Understanding to include the City of Kenai and Soldotna to share with them the concerns and discuss the possibilities of creating a new MOU to include them. This would create a partnership that would be beneficial in the future.

G. Communication issues and strategies for improvement.

Ted said this came out of prior discussions that would help the functioning of the board and communication. Ted hopes we can do some board training after the first of the year. It would be useful for the board members to identify problems and issues and develop ideas on how we can make the board function better.

V. ACTION ITEMS

No Action Items

VI. PUBLIC COMMENT

VII. ADJOURNMENT

A. Board Comments

James C. asked about discussion on limited entry; and when or how do we go about replacing chair or officer person.

Jack responded that the by laws say we elect officers at January's regular meeting.

Tom Vania said at the Board of Fish workshop special project coordinator Doug Vincent Lang gave a presentation on where the department was at. Legislation would not be presented at this legislative cycle but at the 2009 legislative session. Tom Vania commented about the Board of Fish meeting for upper Cook Inlet. The proposals are on line. Comments are due and you can get help with a local Advisory Committee. The proposal for below the Warren Ames Bridge has been submitted to change the effective date to match DNR regulation for the rest of the river regarding 2 stroke restrictions.

Jack Lashot mentioned that the City of Kenai's dip net fisheries report for the 2007 season will be available at the next board meeting in December.

George Heim commented about the Snow River ice dam breaking.

Curt thanks James and Dick for attending the meeting.

Bobby Jo Skibbo reported that there were 130 human/bear interactions. None of them were in need intervention. The Russian River Coordination Group is embarking on a regulatory process to get regulations in place for food storage and for people with backpacks.

B. Date/Agenda of Next Meeting December 13, 2007 5:30 p.m.