

**Kenai River Special Management Area
Advisory Board**

Thursday, November 9, 2006

5:30 p.m.

Kenai River Center

I. CALL TO ORDER

A. Roll Call

Members present: Ted Wellman, Ken Lancaster, Jack Sinclair, George Heim, Brenda Trefon, Robin West, Jim Czarneski, Tom Vania, Keith Kornelis, Tim Stevens, Dick Hahn, Curt Shuey, Rick Wood

Members Absent: Jeni Evans, Joe Connors, Pete Sprague, Richard Dykema

Director Jerry Lewanski was also present.

B. Approval of 10/12/06 minutes

The minutes were approved as written.

C. Agenda Changes and Approval

Under New Business add Item D. DEC Integrated Report by Tim Stevens and Item E. Work Session on Impaired Status by Ted Wellman; Under Old Business Move items B,C and D to C,D, E and Add new B: Buyback Program Update by Brenda Trefon.

Ken read the following from Suzanne Fisler: *Dear Kenai River Advisory Board Members,*

Dale Bondurant, past Kenai River Advisory Board member and advocate for the river, passed away last week. As many of you know, Dale consistently advocated for the protection of habitat and resources first. His viewpoint was simple but spoke volumes. Without the resource there would be nothing for the users. This viewpoint needs to be taken to heart and considered as we continue to address the many issues that will face us in the future. His viewpoint and support will be missed. There are no plans for services or commemoration until the spring.

Ken then asked for a moment of silence.

II. PUBLIC COMMENT

A. Kenai River Bridge Update – Matt Coullahan

Matt Coullahan was not able to be here but he sent an email update which Ken read:

If anyone asks for details here is what I know so far:

- 1. Through November we will be installing our custom fitted deck panels.*
- 2. At the beginning of December the installation of our deck reinforcing steel.*
- 3. Mid to late December the deck pour begins. (There are 3 deck pours)*
- 4. January we will begin our approach slabs (These are at either end of the bridge) The slabs will require the ground to be thawed before we pour the concrete and it will be time consuming.*
- 5. Late January of early February should be the end of our concrete curing period.*
- 6. Early to mid February should be the temporary asphalt for the two lanes on the downstream side of the bridge*
- 7. Mid February there should be traffic on the new bridge.*
- 8. The Coast Guard will extend their permit for the removal of the temporary bridge pile to 90 days after traffic is on the new bridge.*
- 9. Our Right-of-Way section has already begun negotiations with the property owners that have temporary construction easements.*
- 10. All the other permit extensions are in place.*
- 11. Wilder will continue to work 7-days a week (excluding holidays) to complete the work.*

Dwight Kramer: Made a comment on the proposal from the last meeting on noncompliant motors by 2008. It gives people one year to become compliant and he said he does not believe that is enough time. He said the DEC chart shown at the public meeting demonstrated a mix of 4 and 2 stroke motors. There are quite a few 2 strokes left on the river. He thinks giving it until 2010 would be better. Fair way to limit the guides needs to be accomplished. Dwight asked the board to support DEC on the recommendation to call the Kenai River impaired.

Richard Thompson: Local commercial fisherman. Here about interest in the 50hp issue. He wanted the board to know there are a lot of people not here tonight that are concerned about pollution issues, erosion issue, the congestion and the safety. There are many people who would like to make the Kenai a drift only river.

Wilson Gillespie: Representing the Kenai River Property Owners Association. KRPOA was instrumental in bringing about the 35 horsepower. He has fished the river since the mid-70s. He said 95% of the guides on the river already run 50s and 60s. They have to run 50s to get their Willie, Koffler, or Fishrite loaded with gear and 5 people. He said he can tell just by looking at them go by what they are running. He asked the

board to take this horsepower issue seriously. There are 2500 lots on this river. If this river gets a reputation for pollution, it will drive the cost of property down. He said the guides will have to step up along with Parks and Fish & Game and our new administration and say it's time for someone to get this issue under control. He urged the powers to be to quit dallying around and look at the elephant in the room.

Frank Kuffel: Lives in Sterling. He said he has a little 18 foot boat. When his grandchildren and he stand on the banks for reds and a guide comes by with a 20 foot Willie with full load and clients you better get out of the way. You can stand on the slides sometime and see what those big boats are doing. You can see what is happening to the banks. Not only that but when the guides see you catch a nice silver those guides will move in to that area the very next day. He said he does not know how this river can sustain the guides. The amount of fish that are being hooked and damaged and taken off this river makes him question how the river can sustain itself with the number of guides on the river. He is also concerned about septic tanks that are seeping into the water. He did say 4 strokes are a good idea environmentally but give folks until 2010.

III. NEW BUSINESS

A. Introduction of New Board Members – Ken

Ken introduced the new board members and asked them to say a few things about themselves.

Jim Czarneski: Moved to Soldotna 2 ½ years ago. Prior to that he worked as a biologist with the Missouri Department of Conservation. He did a lot of work on water quality issues, stream issues in the midwest. He is presently working with the Kenai River Watershed Forum as a water quality coordinator and also remodeling a house. The Kenai River is in far better shape than what he worked with in the Midwest. We need to keep it healthy.

George Heim: 28 year guide from Cooper Landing. He looks forward to working on issues especially on the upper river.

Curt Shuey: Lived in the area 28 years. Involved in guiding long ago, worked with F&G, worked at the Moose Research Center. He has a degree in biology and recently finished some studies in conflict resolution. Looking forward to helping work through some of the issues.

B. Goals for 2006 – 2007 - Jack

Jack supplied the board with 2006 Accomplishment Update handed out. Jack went over the list with the board. Some of the

accomplishments were: the addition of a Park Ranger to the river district last season; passed regulations on suspension/revocation offenses for Kenai River Guides; Boat anchoring methods; regulation requiring all guides complete the Guide Academy; and several more. Of importance recommend to the new Commissioner of DNR that a revision to the KRCMP be funded and started in the fall of 2007. Jack asked if there are other items to add to the list.

C. Horsepower Regulation Package and Public Review Document – Jack

Director Jerry Lewanski stated a regulation has been written to change the limit of the motor size to 50hp. This reg will also limit the boat size on the river. There will also be a restriction on the EPA 2006 compliance of boat motors by 2008. This is the part of the regulation that has been difficult. DNR is moving forward and hope to have the regs out by next week. Jerry said moving with this will help the river. There will be public hearings both in Anchorage and in Soldotna on these reg changes. The present administration will not be signing off on these since a 30 day public review is required. Key issues have to be presented to the new administration on all our parks and this one is on the top of the list. Jerry encouraged the board to voice your opinions to your elected officials.

Dick Hahn: Dick said that with all due respect he has seen the ignoring of public comment in the present administration. It is so bad it makes you wonder if you ever want to write another public comment: DEC and their mixing zones, Game with their hunting of wolves from the air. Everyone is a yes man to the man or they have Teflon backs. It is very frustrating. If anything is implemented between now and the 4th of December you will have a public uprising. There is no credibility in the system at the moment.

Jerry said there will not be anything done by the December 4th deadline.

Keith: Asked about the 2006 EPA compliance. Is there a timeframe like the board suggested becoming effective in 2008?

Jerry said the 2008 timeframe was noted.

D. DEC Integrated Report – Tim Stevens

The 2006 Integrated Report is required by the Federal Clean Water Act on the status of state waters. All states are required to do so. He explained the list contains waters 305 (b) and 303(d) waters. He explained the different categories and handed out some information. Highlights of this report are that two waters have been added: the

lower Kenai River and Big Lake. There will be informational public meetings held at the Anchorage Legislative Information Office on November 21st from 4-6pm. Other LIO offices will be teleconferenced in at Kenai, Fairbanks, Juneau and Wasilla.

Jim: What is the purpose of the meeting. Tim said it will be to inform the public about the waters being listed and to field questions from the public.

Dick: What are the implications of the river being rated as impaired? What physical things can happen as a result of that? Tim said if the impairment holds through public comment and the state lists the river to be an impaired water, a "TMDL" would be scheduled for the year 2011. During that time DEC would work with state agencies to work on a water body recovery plan. It could be moved up if there was enough public interest to do so.

E. Work Session on Impaired Status – Ted Wellman

Ted made the following motion which he provided in writing to all board members:

I move that the KRSMA Board set a work session for November 18, 2006 starting at 1:00pm followed by a special meeting starting at 3:00pm.

The work session would be for the following purposes:

- 1. Receive briefing, evaluate, and analyze the DEC study and proposal to list a section of the Kenai River as impaired under DEC and EPA regulations.*
- 2. Receive briefing, evaluate and analyze the information on fecal coliform contamination in the Kenai River and potential sources of such contamination based on water quality studies with reference to recent developments along the river.*

The work session would be open to the public but would be for the Board participation only and no public testimony would be received.

The special board meeting would follow the work session and be for the express and limited purposes specified below:

- 1. Receive public testimony on the DEC study and notice to list a section of the Kenai River as impaired under DEC and EPA regulations.*
- 2. Discuss and consider the DEC proposed listing of the Kenai River as impaired under DEC and EPA regulations*

3. *Take action on sending a letter in support or in opposition to the proposed listing of the Kenai River as impaired.*
4. *Discuss a process and timetable for developing alternative actions to reduce hydrocarbon emissions on the river.*
5. *Discuss and consider the information on fecal coliform contamination.*
6. *Take action on sending a letter to DEC requesting the DEC investigate the adequacy and potential for pollution from sewer systems in new developments adjacent to the river.*

Keith Kornelis seconded the motion. Ted said the goal of the board is to weigh in on the impaired status. There was discussion about the motion and then it was voted on unanimously to hold the meeting on November 18th. It will be at the Kenai Peninsula Borough Building, Room A starting at 10:00 am with 3:00 pm meeting to take action. Ted asked to have public notices sent out to newspapers, etc. to get as many people involved as possible.

IV. OLD BUSINESS

A. Boat Wake Study Report – Brenda/Jack

The draft was sent to the primary sponsors on Oct. 23rd. It was reviewed over the next 7 days. There are two parts to the boat wake study: Dr. Maynard's work with the wave energies and the other is a sediment and bank study. It was clear these two parts were not well integrated with each other. One had used metric and one had used US measurements to compare sediments. It made it difficult to compare the results. The study has been sent back to Dr. Maynard to have it better integrated. It went back on October 30th.

Keith: What is the timeframe to get the study back? Jack said he does not have a definite date. Jack said he discussed with the other primaries the possibility of reserving a room at the Kenai Peninsula College to do a video teleconference in live time with Dr. Maynard. Brenda said the study should be available online before that time. Brenda said then the open forum would happen. Rick asked who the primaries are. Jack said Kenai River Watershed Forum, Lance Trasky as a logistical advisor, Kenaitze Indian Tribe and Parks.

B. Buyback Program Update – Brenda Trefon

Brenda said 40 motors have been replaced. They were hoping for more. There were 200 vouchers available. The program will run again next summer. There is a possibility of extending the program.

C. Kenai River Center Update – Pam Russell

The COE is putting out their Nationwide permits for comments. Main concern for the Kenai is Regional Condition B the Kenai River

wetlands. They want to change the jurisdiction from 500 ft to 100 ft. Pam asked everyone to look at them with comments. This will affect all the wetlands up and down the Kenai River.

Pam said she is still working on the trend numbers. There were 437 Kenai River guides this year. This is up 30 this year. 360 were motorized; 77 drift; 397 fishing; 49 non-fishing; 332 resident and 105 non-resident.

D. Competitive Recreational Permits Kenai River – Jack

There are events on the river that were never permitted. Jack cited the Anchorage Symphony's recent newsletter which had an article in it thanking everyone for participating in their fundraiser on the river. They said they filled 20 boats up with 4 people each. Jack said he has looked at how other states handle these large events. The KRCMP calls for no derbies will be scheduled on the river during peak use times. State Park regulation says that any competitive, sponsored or organized event in a state park with over 20 people requires a state park permit. Most guides could exceed that regularly when they have 20-30 people like a family reunion wanting to fish the day. Jack recommends groups of over 40 people on the river should have a permit. Derbies would still require permits.

Keith: Would there be some permits that would be denied? Are there provisions to say "no, you can't have it on this day". Jack said there are times when permits are denied either due to the special location and number of people involved. If it is not appropriate for the resource a permit will be denied.

Ted: Since there are groups that have had events before wouldn't it be a good idea to we correspond with those folks ahead and put them on notice, like SBS, and several manufacturers that do that. Jack said we have started that now.

Rick: What is the difference of some operations sending out 10 boats every morning versus someone having 40 people going out. Jack said the group would tend to want to socialize with each other at some point. They may take over a whole circuit of drift. Whereas when individual boats go out they are by themselves.

Ken: What is the permit fee? Jack: \$50 permit fee. Ken asked if there cases where boats come from Seward or Fairbanks? Jack said he thinks most are from here, probably guide boats.

Ted: Prudent thing would be to say Parks cannot accommodate these permits at certain times – the busy times as in July. Jack said we do

refuse permits at busy times or holidays, etc. Permits are not meant to displace other users.

- E. Guide Advisory Board Update – Joe Connors
Joe is not present therefore no update was available.

Jack handed out a past list of Advisory Board Committee Assignments. There was a short discussion on the committees and their function. Ken suggested the board look at the lists and decide what committee they would like to be on by the next meeting. The committees are as follows:

Permit
Guide Advisory
Legislative
Water Quality
Borough
Habitat Protection/Restoration
Emissions Reduction Strategy
Recreation

V. ACTION ITEMS

- A. Resolution: Support for the funding of the Kenai River Photogrammetry Study
Dick Hahn made the motion to send the resolution; it was seconded and approved unanimously.

VI. PUBLIC COMMENT

Dwight Kramer: A question was directed to Director Lewanski. DNR feels all the proposals regarding the 50 horsepower are good for the river. How will going to 50 horsepower be good for the river when DEC says it will add pollution to the river. Jerry said he recognized we don't know all the results that will happen. He said we do understand there are problems with people operating boats at their present size with 35 hp and that going to a larger engine will probably allow people to get on step quicker and reduce wakes. He said he is not convinced that the hydrocarbons will increase with the 50 hp. This is not the end. This is just the first step in keeping the quality of the river high.

Dwight said he feels with the 2006 compliance it will hamper those that will not be able to get a new motor by 2008. He informed the board there is a newly formed organization in town called the Kenai River Fisherman's Coalition dedicated to protecting the rights of unguided fishermen and personal use fishing. It is a non-profit. It consists of 8 retired federal and state fisheries biologists and 7 local area fishermen.

The organization will represent private anglers to assist them in becoming more aware of what is going on and issues.

Richard Thompson: Will the 50 horsepower regulation include some sort of emissions testing as in the testing done on vehicles? He said he could see that as folks get 50 horsepower they will be thinking it's great, it's smooth so they'll look at getting a bigger boat. Jerry told Richard IM tests on boat motors are non-existence. Jerry said he checked with EPA and there is no equipment available to do that kind of testing. Jerry said width and length on boats will be restricted.

Cliff Cullings: Lives on the east side of Sterling. He owns property on the river near Naptowne Rapids. He is concerned that the whole river is lumped into this pollution problem. He said there is no pollution on the upper part of the river. And he noted that he has run a Zodiac on the river since 76 with a 25 hp. He said he is afraid to go to the lower river. Never would go to the lower river to fish as there are too many guides. He would support more float days.

Bill Keller: Kenai River Property owner at mile 18. He stated he thought it was just the lower river deemed as polluted. Tim Stevens replied yes from mile 19 down. Would support drift day with no motors allowed at all. He said he sees more and more boats just traveling on Mondays. Give the river a break. Add an extra day every other year. Limit the number of guides.

VII. ADJOURNMENT

A. Board Comments

Dick: It is becoming more and more evident to effectively manage the river we need the combined joint efforts of the Boro, DNR, DEC and F&G and then the Board of Fish. The Board of Fish seems to work in isolation to all of the other agencies. The problems we are beginning to see on the river involve more than the Board of Fish and fishing regulations and DEC and water quality, etc. He said he lives very close to the river. The guy that lives across the street from him bought 200 feet of the river bank and has proceeded to tear it up on his own. There are no teeth in the Boro's overlay district ordinances. It is necessary for these agencies to meet regularly to discuss management problems of this incredible resource that flows by us every day. It is the lifeblood of our community. This impaired status should be a wake up call for all of us.

Tim: Encouraged the board to look at the Integrated Report and submit comments.

Robin: Mentioned there are a number of federal subsistence issues of interest to the people in the Kenai area that will be discussed in Anchorage one week from today at the Federal Subsistence Board. One is whether to separate the south central regional advisory council into a Kenai regional advisory council. The other issue is the reconsideration of the Ninilchik's community customary and traditional use determination for the Kenai River. They have a proposal out for subsistence fishing on the Kenai River.

Keith: Happy to see the resolution in a form that could be read on paper and suggested perhaps emailing future resolutions to the board members a few days in advance.

Brenda: Would like to talk about getting all of the non compliant EPA motors off the river at the next work session.

Ken: He has been a private fisherman since he quit guiding in 1961. It is time to get zoning throughout the entire river.

Jack: Noted he brought DPORs Strategic Plan and is available for anyone to take with them.

B. Date/Agenda of Next Meeting

Next meeting will be December 14th