

**Kenai River Special Management
Area Advisory Board**

Thursday, December 8, 2005

5:30 p.m.

Kenai River Center

I. CALL TO ORDER

A. Roll Call

Members Presents: Joe Connors, Richard Dykema, Floyd Heimbuch, Ken Lancaster, Richard Hahn, Jeff King, Rick Wood, Keith Kornelis, Robin West, Tom Vania, Jack Sinclair, Tim Stevens, Paul Shadura.

Members Absent: Pete Sprague, Deb Cooper, Ted Wellman, Brenda Trefon, Ted Forsi.

B. Approval of 11/10/05 minutes

Approved as written.

C. Agenda Changes and Approval

Approved as Presented

II. PUBLIC COMMENT

None

III. NEW BUSINESS

A. Kenai River Operations- Jack Sinclair

All of the Kenai River Rangers have been put on seasonal leave except Bill Berkhahn. Bill helps with snow removal in the park areas. November was spent winterizing the boats and gating those parks that will not have winter use. The river rangers will be brought back from seasonal leave starting in January through March.

B. Accomplishments and Goals-Suzanne Fisler

An updated copy of the KRSMA Board 2005 accomplishments was given to all the board members. Some points of interest that the group may be working on in the future are: On page 2, evaluating results of the second phase on the boat wake study and the permanent changes to the

horsepower limit. This is something that is addressed directly in the management plan and it is something that the board is addressing at this time. The board may want to consider that as a task for the oncoming year of deliberations.

On page 4, working with the Kenai River Center, KPB Planning Department, the local planning commissions non-profit and the KPB assembly to add missing anadromous streams to the Habitat Protection Ordinance. Such streams include Crooked Creek, Coal Creek and several southern drainages. These are within specific areas that are not within the 50 foot anadromous habitat protection zone and they support viable chinook, sockeye and coho fisheries for the public and are also utilized in the commercial fishery. This committee would have to coordinate closely with the borough staff at the center and the borough planning commission.

On page 7 is instituting the Kenai River user fee. Gary Williams who heads the borough coastal management program announced at a recent Kenai River Center staff meeting that they will be picking up the access study. The management plan recommends developing a plan for access to the river, but primarily looking at section line easements and road easements to the river. This would also help find a way to recommend what should be vacated and what should be kept open for public use. This is just a brief overview and there may be other recommendations in the plan or other items the board would like to work on.

Ken recommended that the board have a work session prior to the next board meeting. Suzanne agreed. Ken also added that members could bring other ideas and suggestions to the meeting.

C. Soldotna Bridge Update-Suzanne Fidler

Matt Coullahan from DOT could not be at this meeting. Suzanne reported DOT and the contractor had some problems primarily with a discharge of water. The cofferdam was built to go all the way around the center piling. The material inside the cofferdam is much more solidified then they had expected and they are having a real hard time scraping down to get to the right depth to place the H

pilings, which are for the footings for the new bridge. The original bridge was not dug to the depth that the contractor wishes to reach for the new footings. What happens every time they get down into the sediment and silt area the water gets very cloudy and very dirty. They have been unable to keep the cofferdam completely dewatered.

They started this project by pumping water to the sediment basin in Soldotna filtering it back into the river. Then the sediment pond froze. Next it was decided to pump water into the river. With the DNR Habitat permit they are required to maintain state water quality standards. The agencies did not really think about the hose discharging water into the river as being a wastewater discharge until they started to see the cloudy muddy water. It was then determined that this needed to be treated as a waste water discharge issue and required a permit from EPA.

EPA has now taken action and DOT has applied for a waste water discharge permit from DEC, which they have obtained. The good part about the DEC permit is it requires Wilder to check twice a day for the turbidity of the water and it sets a certain limit. They are also required to check for TCE which is the byproduct of the cleaning fluid in the sediment and the ground water underneath the river.

Everyday the river center gets a report of what the turbidity was in the morning and afternoon. There still may be some action from EPA. The coffer dam project has been a technically difficult task for them to accomplish because they have not been able to seal off the cofferdam the way they planned. Wilder now has a contractor coming up from Seattle. They will be applying a type of caulking that expands in water and seals off the seams. Hopefully they will be able to seal off the cofferdam and get clean water running through there. They need to get low enough to where they can put their footings in when the weather is warmer and dry.

Paul Shadura asked if there could be a soil sample from the bottom of the cofferdam. Suzanne stated that this is being done.

Paul had concerns about the fish habitat in the area with the pumping of the water from the cofferdam. Suzanne stated

that the River center is also concerned and has noticed that part of the river that never use to freeze is frozen this year. Also the hydrology of the river has been temporally changed because of the cofferdam.

Jeff asked about the ice flows that were ringed with dirt, but the water appeared clean. Some of the ice with the dirt is natural; this could be shelf ice breaking off the shoreline.

Paul Shadura voiced his concerns about the disturbance of the soil at the bottom of the cofferdam and asked if this could increase the possibility of contaminates leaking back into the river. Suzanne said there are precautions put in place for when they remove parts of the old bridge. The old peers and pilings will be cut off at the river bed instead of recovering all the pilings and pipes that are in the bed of the river to reduce the amount of disturbance of the soil.

D. Regulation Package feedback –Jack Sinclair

Jack asked for feed back from the board on the proposed regulation package. It is recommended that the board formulate some additional comments in support of the regulations.

Joe Connors complimented everyone that helped put the public forum together. There was a good showing and many good suggestions came out of it. Joe said when the regulations were formulated by the working group, they were voted on unanimously as a package. But this was not supposed to be the end of the road for the working group. This was phase one that dealt with the short-term regulation changes concerning guides. The intention for phase two would be the long term regulating of guide numbers on the Kenai River. However when the regulation package went in there was some sort of mix-up and the regulations covered all guides, old and new.

The major concerns heard about the regulation package pertained to the felony, misdemeanors, the educational package and the 5 Alaska Administrative Codes. There were also some concerns expressed by some of the members of

the working group as to how these changes came about as a final document.

Ken said the fee increase and the three years in advance payments was of concern to the guides. Public comment is still open until December 19, 2005

Rick asked if the fees are collected for three years in advance, how the department would handle funds for the two years the fees are not collected.

Jack said this is no different than paying for registration for your vehicle or your business license 2 years in advance. The working group proposed this 3 year payment fee to show commitment to the river. There was some talk to make the 3 years refundable if a guide needed to.

Rick asked if the guide academy would limit the number of new guides every year, without having everyone pay 3 years in advance. Joe said that may be true. If a new person has to pay for the course and make more than a 1 year commitment to being a guide on the Kenai River, it might impact their decision.

Rick said that many guides were unhappy about the 3 year payment. Raising the fee was not a problem, the academy not a problem, but three years of fees in advance would cause a problem for some guides.

Jack stated the draft curriculum for the college course is available at this time.

IV. OLD BUSINESS

A. Membership and Nominees for Board seats- Jack Sinclair

The new appointees are Richard Dykema and Brenda Trefon. The board would like to thank Paul Shadura for his time and commitment to the board.

B. Horsepower Discussion summary – Jeff King

Jeff said the committee meeting before the board meeting had a great showing. It was more of a workshop discussion. Jeff stated he would like to have a vote by the board soon,

but would like to see the rest of the boat wake study results before the vote is taken.

Ken suggested that another committee meeting should happen before it goes to the board for a vote.

Jeff was hoping soon to create the proposed parameters for the regulation but realizes that it is too late to have in effect for the 2006 season.

Jack stated that there are two things that need to be focused on; one is the emission and the other is the boat wake.

Jeff said boaters need to operate their boats in the middle of the river so the wakes disperse before reaching the shore, and that will happen with boater education.

Keith Kornelis commented the City of Kenai and the City Council is concerned that one of the biggest problems is an educational problem.

Jeff stated that a group of board members should get together and create a fact sheet including information from the 1st and 2nd boat wake studies and other important information that could be used for public information. More information is needed before the board will take a vote.

C. Letters to legislators on Upper River units- Jack Sinclair

Letters to the legislators regarding the upper Kenai River lands recommendations were e-mailed to all the board members. There is hope of getting a bill together this session to add some of the state lands that are still waiting to be added as part of the Kenai River Comprehensive Management Plan (KRCMP).

Ken has spoken to one legislature and has three more to speak with. A letter was given to Ken for Kenai Borough Mayor Williams and he has agreed to support this bill if it is introduced by the legislature.

A letter was also drafted to DNR Commissioner Mike Menge regarding the possibility of a numerical number for the Kenai River Guides. The letter also asked about initiating a second phase of setting up a Kenai River user fee.

E. Letter to DEC on mixing Zones- Suzanne

Suzanne read a draft of the letter to DEC from this board on the mixing zones. Dick Hahn interjected his ideas of changes to the letter and stated strong opinions of the mixing zones proposed regulation.

Paul suggested we add an explanation of who the board is in the first paragraph of the letter. Paul attended a workshop in Anchorage pertaining to the mixing zone.

V. PUBLIC COMMENT

Ed French talked in favor of raising the horsepower from 35 to 50. The safety is a major factor in considering the horsepower increase. Ed does not believe a 15 hp increase will make a big difference to the river. The increase will cause fewer wakes, be more efficient and scientific data will prove that. A boat will be up on step easier and quicker and visibility will be better. Lack of education on the river is the main problem and he strongly suggested an educational program to be required for all new users on the river.

Kenny Bingaman also is in favor of the 50 horsepower increase. There would be less dragging and more back trolling. This would also help the wider and larger boats get up on step with less wakes. It might be ideal to match the boat size with the motor size.

VI. ADJOURNMENT

A. Board Comments

Jack requested from the Office Boating Safety funding to produce a Kenai River boaters guide for the average boater. This is a first start to help the everyday boater.

Jeff thanked everyone for coming to the horsepower meeting. He also resigned from his commitment of heading the user fee committee. He is hoping someone will take charge of the

committee. Jeff will be gone in January so Joe will head the Horsepower meeting in January.

B. Date/Agenda of Next Meeting

January 12, 2006