

Kenai River Special Management Area Advisory Board

*** Meeting Minutes***

Thursday, February 11, 2016
5:30 p.m. Gilman River Center
Soldotna, AK

I. CALL TO ORDER

- A. **Roll Call:** Joe Connors, Ricky Gease, Brendyn Shiflea, Keith Baxter, Clayton Holland, Dwight Kramer, Ted Wellman, Branden Bornemann, Monte Roberts, Brent Johnson, Andy Loranger, John Eavis, Francisco Sanchez, and Jack Blackwell.
- B. **Minutes:** The minutes were approved as written. Insert minutes from Dwight Kramer for the river Use Committee.
- C. **Agenda:** Ted Wellman amended the agenda under B Minutes Approval to just January, removing November and December. The agenda was approved as amended.

II. Public Comments

- The room was filled with Funny River residents and they were all in agreement to support concept one.
- George Seanor commented the Funny River community supports concept one with bank restoration. There are petitions that have been signed opposing funding for the project that will be submitted to the Governor's office.
- James Oberman supports concept one. He does not want to see more boats or fisherman put on along the banks in the Funny River Road area. The corner of the lot is closed to fishing and would not like to see that area open to fishing.
- Hanz Franz supports concept one and recommends upgrading the existing Funny River campground area. Other than restoring vegetation, he would like to see nothing done.
- Jim Baldauf asked where the funding is coming from? Jack Blackwell commented that the funding that was appropriated in 2014 was for developing a site plan and there is no funding for construction.
- Donavan Fritz commented he would like to see less development and just bank restoration. He supports concept one.
- Gary Presol commented that we to keep in mind the health of the river and to not increase access. He also supports concept one.
- Linda Vizenor submitted petitions that had been signed by many Funny River land owners stand in opposition of gross development of the Hansen property known as the Kenai River Ranch.

III. REPORTS

1. Agency and Government Reports:

1. State Parks-Jack Blackwell provided the board with the following report:

- He welcomed Monte Roberts to the KRSMA board. Monte is filling the vacant seat of Andrew Szczesny term until 2017.
- The Trujillo Boat launch will not be open in the summer of 2016.
- State Parks held an open house for all Kenai River commercial operators. Approximately 12 operators attended and met with Kenai River State Park staff. Staff also provided an overview of the capital projects planned on the Kenai and Kasilof rivers. This is something that we will offer in the future to the public.

Ted commented that he was very disappointed that the long standing request to implement limitations on guides and the public has not been responded to.



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Jack Blackwell reported that the Department of Law office is working on the request and will have something to the board shortly.

2. DEC-Jeanne Swartz- No report
3. ADF&G - No Report
4. USF&WS- Andy Loranger provided the board members with the following report:
 - The Refuge is working on the 75th Anniversary for the Kenai National Wildlife Refuge. There are 75 things to do at the Kenai National Wildlife Refuge in its 75th year and staff has developed a participant checklist pamphlet which is available at the Refuge Headquarters. December 16, 2016 is the Birthday date and a celebration will be held at the Refuge.
 - Amendment of the Refuge public use regulations was compiled last year. The amendment includes camping limitations on the upper river. . The area below Skilak Lake was not included in that regulation.
5. USFS/Chugach National Forest-John Eavis provided the board members with the following report:
 - John Eavis introduced the new District Ranger for the Seward District. Francisco Sanchez started work in November.
6. City of Kenai- No Report
7. City of Soldotna- Branden asked that the City of Soldotna report on the HDR study of the waste water treatment plant which includes their permits to discharge in the river..
8. Kenai Peninsula Borough- Brent Johnson provided the board with the following report:
 - Max Best stated that the River Quest small lot subdivision was not approved by the Kenai Peninsula Borough planning commission.
 - The portable bathrooms at the Kasilof River dip net area will be funded by the Division of Mining, Land and Water in 2016.

2. Committee Reports

- President's Report-Ted Wellman reported:
 - Joe Connors has step down as the chair of the guide advisory committee and Monte Roberts has been appointed the position.
- Guide Advisory –Monte Roberts provided the board members with the following report:

The guide committee discussed the following items:

 - The committee took no action on the guide Limit proposal.
 - There are two guide academy courses, one in March and April. The committee is looking for ways to get more guide participation.
- Habitat –Keith Baxter provided the board members with the following report:
 - Max Best Planner for the Kenai Peninsula Borough planning department attended the habitat committee meeting. Max explains that there are loopholes in the State Statute 34.08 that allows for a common area. The Kenai Peninsula Borough ordinance does not recognize the common areas because they do not go through the platting process. So even though the area may be subdivided on paper the Borough still recognize the area as one lot.

The committee discussed the following ideas:

1. In order to limit market demand for private property river access "work arounds" that threaten riparian habitat, State Parks should develop a habitat-friendly boat launch location (or locations) that allow for convenient, habitat-friendly boat access. Ricky Gease proposed that a parking lot with season passes, or slips, be developed with an onsite contractor that could assist users as they launched and retrieved their boats from the river using a common launch. The purpose of this solution would be to provide a superior level of convenience to river users while eliminating the need for many separate riverfront access points or tie-up locations. The committee felt that this idea could serve as a revenue generator for State Parks if done correctly.

2. The Habitat Committee asked that State Parks notify interested members of the committee via email when Conditional Use Permits of concern were pursued. This would allow members of the Habitat Committee to weigh in on the approval or denial of these proposals.

3. The Habitat Committee agreed to support all efforts made by the KPB Planning Department to address loopholes in State Statute (such as AS 3408) that allowed development within the 50ft riparian habitat setback recently enacted by the Borough. Support will come in the form of written correspondence and/or public testimony upon the request of the KPB Planning Department.

4. Members of the Habitat Committee, and State Parks, agreed to facilitate river trips for KPB Planning Commissioners to ensure they understand river habitat issues. The committee agreed that familiarity with river habitat issues is vital to provide the context necessary to make educated determinations on exceptions requested by property owners.

- River Use –Dwight Kramer provided the board members with the following report:

- In Attendance: Jack Blackwell (Parks), Jeff Breakfield(ADF&G), Matt Conner (USF&W), John Eavis (USFS), Francisco Sanchez (USFS), Ted Wellman (KRSMA Chair), Dwight Kramer (Committee Chair), Monte Roberts (KRSMA Board Member), Bill Tappan, Kristine Route, Heather Pearson
Discussion of finding a fair and acceptable method of limiting guide numbers on the Kenai River; After a lengthy discussion of some of the elements of the attrition based proposal up for consideration, it became very obvious that our best avenue to approach this was to get our reading from the DNR legal team for advice on the legalities of such an action by State Parks / DNR. Did the Whitaker Study satisfy the previous court order? Does Parks / DNR have the legal authority to limit guides on the Kenai River? Does Parks / DNR have the legal authority to limit boating on the Kenai River? Hopefully, we will get these answers at our March meeting so we can proceed with further discussions.
Discussion on how to handle crowding and methods to limit the general public use on the Upper Kenai; Heather provided us with a quick overview of her proposal on one possible method on how to incrementally move forward on this endeavor. Most of the discussion centered around the fee structure for permitted use, especially during the initial data gathering segment. Most felt that the fees were too high, especially if we used the .gov website that charges for their services on top of the fees.

In the end, it was determined that justifying data was a requirement that had to be gathered first to determine use and use patterns. Some thought there might be segments of the river, days of the week or time periods where permits to curb crowding might not be necessary or justified. Various methods of cost effective data gathering were then discussed. It was suggested that we might want to consider cameras at launch and retrieval sites, trail cams at strategic locations, volunteers to count launches, or agency aircraft over- flight counting on a scheduled basis.

Once again the question came up of if we had the authority to take such actions and what agency cooperation would be necessary since essentially three separate State and Federal agencies are involved in the Upper River waters.

The crux of the matter is that we need guidance from Parks / DNR legal on both of these matters. It was felt that it would be beneficial if a legal person joined our next meeting, either in person or telephonically to answer all of our questions and provide clarity on these issues.



- Legislative/Government Activities-Ricky Gease provided the board members with the following report:
 - The committee drafted a letter to encourage the state legislature to allow the state to consider developing new revenue sources to support ASP operations. The new revenue sources are a Sockeye Salmon Stamp, Sales of Park Merchandise and Develop Profit Centers in the Alaska State Park system.

IV. OLD BUSINESS

a. Review of the three conceptual site plans for the River Ranch parcel

Jack explained the process of the scoping meetings in Soldotna and Anchorage. There were approximately 135 people that participated in the two meetings. The planning team went through the comments and came up with the three concepts. There were two additional public meetings in Soldotna and Anchorage where the public provided comments and recommendations. Thirty four comments were submitted on the three concepts. The director of State Parks asked if the KRSMA board would review the three concepts and provide recommendations.

- Concept one: No new facilities, the Hansen House will remain for the caretaker, fishing regulations remain in place and there will be active restoration of riparian habitat.
- Concept two: Boat launch and/or ELP Bank fishing with access stairs to river, small/medium sized parking area to accommodate truck/trailer, toilet, Hansen house to remain for a caretaker, active restoration of riparian habitat, no camping.
- Concept three: Multi-purpose interpretive nature trails; hiker/skier, interpretive message could focus on homesteading, history of site, EVOS conservation. Fishing regulations amended to allow bank fishing, Hansen house to remain for a caretaker or visiting research/artist in residence program, two public use cabins, (walk in/ski only), Active restoration of riparian habitat, ELP bank fishing with access stairs to river and no camping.

Dwight Kramer gave a brief of the River Use committee recommendation to select concept 3, because of the historical trails and interpretive paths but not to include the cabins.

- Joe Connors made a motion to vote on concept three. Monte Roberts second the motion.
- Joe amended the motion to remove the two cabins and parking, Dwight seconds the motion.

The vote for the amended was 8 in favor. The amendment passed.

The vote for the original motion as amended was 4 in favor and 6 against. The motion failed.

- Brent made a motion to approve concept one and Branden second the motion.

The vote was 7 yes and 2 against. The motion passed.

- Ricky made a motion that with concept one that EVOS money be requested for the restoration. Brent seconds the motions.

The motion passed unanimously.

b. Letter to the Legislature on HB 137-Ricky presented the board with the letter in support of HB137 letter to encourage the state legislature to allow the state to consider developing new revenue sources to support Alaska State Park operations.

The board approves the letter.

V. NEW BUSINESS

VI. CORRESPONDENCE
VII. PUBLIC COMMENT
VIII.

a) **Board Comments:**

Ricky Gease would like the board to take up the ADOT decision the G South Alternative has been selected. The preferred alternative will build approximately five new miles of road that would skirt around the town of Cooper Landing and add an additional bridge across the Kenai River and replace the existing bridge across the river. This is the most expensive route and it does not move hazardous material transported on the highway away from the Kenai River. This will be added to March's agenda.



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