

**Kenai River Special Management Area  
Advisory Board**

Thursday, March 8, 2007

5:30 p.m.

Kenai River Center

**I. CALL TO ORDER:**

A. Roll Call

Members present: Joe Connors, Ted Wellman, Brenda Trefon, Curt Shuey, Richard Dykema, George Heim, Ken Lancaster, Richard Hahn, Jim Czarneski, Rick Wood, Robin West, Bobbie Jo Skibo (sitting in for Jeni Evans), Tom Vania, Jack Sinclair, Tim Stevens

Members Absent: Gary Knopp, Rick Koch

B. Approval of February 8, 2007 minutes – Minutes were approved as written.

C. Agenda Changes and Approval:

Item H – Update of Comprehensive Management Plan was added under Old Business. Agenda was approved with change.

**II. PUBLIC COMMENT**

Ricky Gease, Executive Director of the Kenai River Sportfishing Association, spoke on Item C under New Business, Federal staff analyses of fishery proposals to the Federal Subsistence Program. He encouraged the Board to discuss the federal strategy of analyses and to send a letter of support. Secondly, he discussed the proposal of having gill nets for subsistence purposes on the Kenai and Kasilof Rivers. Ricky felt that gill nets would not be consistent with fisheries conservation issues. He said that there are some major concerns if you put gill nets in the rivers. The resident fisheries of rainbow trout and dolly varden may not be able to handle the pressure if we have widespread use of gill nets. It would take out large components of their breeding populations of sixteen to eighteen inch fish. These are the major points in the analyses. They also looked at ideas of individual methods and means for individual subsistence users, such as doubling the bag limit of rod & reel.

The other issue he talked about was the House Joint Resolution No. 4 (HJR-4), sponsored by Rep. Kurt Olson. There is some question in the State's mind and individual groups whether or not the federal process followed proper policies and procedures when they made the customary and traditional use determinations last year. HJR-4 is asking the Federal Subsistence Board to reconsider their policies and procedures for how they make customary and traditional use determinations.

He encouraged the Board to review this and, if the board feels comfortable, write a letter in support of HJR-4 that would go to the Federal Subsistence Board.

Ricky stated that the Kenai River Sportfishing Assoc. will be continuing the Spring meetings for local, state and federal land managers and agencies that are involved with fisheries research, habitat research and land management. Meetings are April 10 and April 11. The April 10 meeting will be for habitat issues, and the meeting on April 11 will be for fishery research. Meetings are at the Soldotna Sports Center.

### **III. OLD BUSINESS**

A. Guide Advisory Committee Report-Joe Connors. Joe advised that the Guide Advisory Committee met today. There is a wide variety of issues being worked on. A new guide complaint process for the general public is being worked on and the State Park stipulations for 2008. A public awareness campaign is going to be implemented to educate boaters on the Kenai River.

#### **B. Boat Wake Study Update – Ruffner/Sinclair**

Jack advised the Board that he is in the process of setting up the teleconference with Dr. Maynard at either The Challenger Center or KPC. Brenda stated that she had received an email from Dr. Maynard today with two tentative dates of Wednesday, March 21 at 10am Alaska time or Friday, March 23, at 10am.

The Board decided that Wednesday, March 21 would be the best date for the meeting.

#### **C. Waterbody Recovery Plan Status – Tim Stevens.**

Tim passed out a two page document; a draft list of the workgroup for the Kenai River Waterbody Recovery Plan for Petroleum Hydrocarbons and a concept of a process chart. He stressed that this was only a concept. DEC, ADF&G and DNR have met to look at several versions of this plan process and this is the final draft that was developed to present to the Board.

Tim stated that the ultimate goal is to get the river off of the impaired water body list. The working group is split into three groups.

- The lead agencies of DEC, DNR and ADF&G
- Advisory group made up of state, federal agencies and cities that could offer some control as far as recommended regulations.
- The stakeholders group is made up of entities that are on the river all of the time.

Tim stated that DEC anticipates it will take a year to eighteen months to get through the whole process. The stakeholders group would come up with recommendations that would reduce the hydrocarbons in the river. At that point, DEC would write the plan based on the nine elements discussed at last months meeting. Once the draft plan is developed, it would go out for public comment for 30 days. The comments would be compiled by DEC and then DEC would confer with DNR, ADF&G, Cities and KPB. If there were recommendations that could be implemented by the local governments, DEC would ask that they do so. Monitoring would need to be done to show that the recommendations are effective. DEC would finalize the work plan and submit it to EPA. Once the plan is submitted, the water would move from a Category 5 to a Category 4b that says the water is still impaired, but we have a plan to fix it. Once the ordinances or regulations recommended were put into effect and showed a reduction in the hydrocarbons in the river, we would say the plan worked and move the water to a Category 2. If it didn't work, it would go back to the Stakeholders group and the process would continue again.

Ted felt that the KRSMA board, as a whole, should be a part of the stakeholders group. The board has a diverse membership which encompasses many interests and should have had a much larger role in terms of input for the public process. He stated that he has a problem with only having one

representative of the board in the stakeholders group and he did not want to participate in the process as it stands.

Ted made a *MOTION that the board not participate in the process unless it is fundamentally changed, seconded by Joe Connors.*

Discussion followed with the following comments being made.

Dick Hahn: Dick was concerned that having one meeting in May and then adjourning until the fall is not a good idea. He felt that the chart was incredibly bureaucratic and unworkable. To accomplish what is on the chart will take longer than the anticipated year to eighteen months. He agreed with Ted that some of the stakeholders listed do not have the passionate interest that the Board does for the river. Dick felt that DEC needs a leader to head up the chart that has some status in the State. He worried that the process could go around and around and keeping coming back to Yes, to re-evaluate the problem. This is because there are not many real solutions to this problem. We know what causes the hydrocarbon pollution. We think we know what are the major contributors, but nobody is willing to say, here is the data we need and without this data, we can't evaluate the problem in detail. Without the data, we can never get to the solution. If we put off the measurement of the contribution of two-strokes for two years, we will not know the contribution of two-strokes anytime soon. If there were some way to isolate two-strokes on a real busy day in July, two data points would happen right away. If you eliminated the contribution of two-strokes, what you would have left is the contribution of 35hp motors and de-tuned four strokes. We need an honest broker to sit at the right hand of this lead box and say, which data is good or that data is very spurious. Dick felt that this broker has to be the Kenai Watershed Forum.

Joe Connors: His feeling is that we have been working on this issue for the past year and a half. Is the data that has been collected and give to us not correct? We accepted the data that on certain days in July on the lower section of the Kenai River, we exceeded the 10 ppb. This pollution came from outboard motors from two locations. We were told that 12-15% of the motors used were two-cycle engines and they were contributing 80% of the pollutants. Based on this information, we have spent sixteen months on the public process dealing with this issue. DNR also had a public process based on the Board's recommendations to DNR. We have not heard a single word back on the regulation proposal. He felt that the process chart

is going to be a popularity contest. Some stakeholders on the list do not have a demonstrated record of caring about the industry or the habitat.

Jim Czarneski: Said that the Board does not have the time or the expertise to run this process. It is going to take someone full time and with full support staff. The Board membership represents most of the stakeholders groups listed. There are some draft models available that could be used as tools.

Rick Wood: Reference the data, there were two different organizations that put the data together and both organizations came up with almost the same exact data. We don't have just one entity supplying the data. He asked Tim about the bubble on the chart named Agencies, Cities, Borough enact regulations/ordinances/outreach. Are we asking three different government agencies to agree on something? Tim stated that each agency would handle their individual jurisdiction of the river and the recommendations would be coming from the work group.

Ted Wellman: Stated that the reason he wanted the KRSMA board to take a lead is that there are a lot of groups whose motives are not as pure as the Board's motives. They would like to use the hydrocarbon problem as an agenda to force changes outside the scope of what we're talking about here. The process seems to be watered down and more political than functional.

Ken Lancaster: Felt that the meetings should be held throughout the summer months.

Tim Stevens was concerned about impinging on the livelihood of the stakeholders in the group who depend on the river. This was just a scenario that we would meet once in May.

Dick Hahn: Brought up that most of the advisory boxes around the stakeholder circle is the KRSMA Board. There are representatives of most of these agencies on the Board.

Tim stated that it is important to have everyone involved in the process from the beginning.

Brenda Trefon: Thanked Tim for trying to come up with a plan so that we can start moving forward. She would be in favor of scheduling the meetings in May and plowing through them. If

the stakeholder groups are not at the first meeting, she suggested taking them off the group.

Tom Vania: The stakeholders group is a list of people who have a history of interest in the Kenai River in the past. This was developed as an inclusive list. He stressed that this plan is a concept and that the list of stakeholders is a draft that can be modified. The Board's recommendations to DNR are still there. They have not been rejected. There have been changes in leadership in DNR and we are waiting for the new Commissioner to look at the proposal.

After more discussion on the motion on the table, Ted's first MOTION was withdrawn and amended to read: *MOTION to have six voting members of the KRSMA Board as participants in the stakeholder group. Seconded by Joe.*

Dick Hahn added that it is not an option for the Board to opt out. He will excuse himself from the vote.

Brenda suggested adding a bubble to the process chart concept for the KRSMA Board's review of the recommendations. The Board's recommendations would then be passed on to DNR and DEC.

Ted liked this idea and suggested either/or. Ted withdrew his MOTION. Joe Connors agreed.

Tim will take both recommendations back and have another diagram for the Board's April meeting.

D. Collaborative Letter addressing the Hydrocarbon Issue - Shuey

Curt Shuey arrived and apologized for being late. He stated that he had incorporated a lot of Ted Wellman's ideas into the letter, but due to a hard drive failure, he was not able to retrieve the letter. He will provide a re-write of the letter as soon as possible and get it out to everyone.

E. Kenai River Center Update – Russell.

Pam updated the board on the influx of flood damage applications received at the Kenai River Center. The form designed specifically for flood damaged structures can be downloaded from the internet. This form was developed by all

of the agencies and put in a writable format by Jan Yeager of the Kenai Watershed Forum. With the form, we hope to collect data on how much riverbank has been lost. The applications are going to be expedited and, if it is an allowable activity, there should be no problem getting the permits out.

The Kenai River guides are slowly trickling in to get their guide licenses for 2007.

She anticipated the Center to be very busy this summer. She currently has 25-30 flood damage applications on her desk. The Governor did sign a declaration which Jack will discuss.

#### F. Kenai River Flooding Update – Sinclair/Russell.

Jack stated that the Governor has recently declared a declaration of disaster for the Kenai River flood damage. She has asked for a sixty day delay to fully know the extent of damage.

One of the requirements is that structures be seasonally removed. This is not always done. One of the ideas being thrown around is that the structures have an identifying mark stamped onto it. This would help in returning structures found after floods and to reiterate to the owner the need to seasonally remove these structures. This would be for docks and stairways that go into the water or are cantilevered.

#### G. Regulation Process update - Sinclair

Jack stated that he had no news to report. He suggested that a letter from the Board be sent to the Commissioner's office asking for a status report on the proposed regulations.

*Ted made a MOTION to send said letter, seconded by Joe.*

*MOTION passed unanimously.*

#### H. Update of Comprehensive Plan.

Ken suggested the Board send a letter to the Commissioner requesting a fully funded revision for the 10 year old Kenai River Comprehensive Management Plan. *Joe made a MOTION to send said letter, seconded by Ted. MOTION passed unanimously.*

#### **IV. NEW BUSINESS**

- A. Russian River Coordinator and the Russian River Management Complex – Bobbie Jo Skibo, USFS. Bobbie Jo introduced herself to the Board. She is also sitting in for Jeni Evans. She was hired as a Russian River Inter-Agency Coordinator in November and is stationed at the Kenai Lake Work Center in Moose Pass. The purpose of her position is to get consistent management across land boundaries of the Kenai National Wildlife Refuge, Alaska State Parks, ADF&G, the Kenaitze Indian Tribe and the US Forest Service.

Throughout the next few months, an implementation plan will be developed. Objectives will be to get consistent management, enforcement, public communication across the board. The work will be done by consensus as much as possible.

A more complex plan will be looked at for the area of Lower Russian Lake to below the ferry crossing to the powerline.

An emergency order was implemented last year to have people keep their possessions with them. It was a food source order replicated from the Yellowstone Park. We will try to get a permanent order in place this year. People will be regulated to keep their food, refuse and attractants with them.

The Stop, Chop and Throw campaign was initiated out of the Kenai Brown Bear Committee. It encourages people to cut up their fish carcasses into small pieces and throw them into the fast moving current.

She will be back to give periodic updates for the Board.

- B. Emissions Matrix Discussion - Hahn

Dick Hahn used the white board to spell out three things.

What do we know?

We know the river is impaired.

We know that we have a standard exceedance of hydrocarbons.

We know that it is caused by outboard motors.

What do we think we know:

We think we know the major contributor to our problem is two strokes, but we do not have that data.

Dick stated that there are two major pieces of data we can get with one set of measurements. If we could preclude two strokes on the river for two-three busy days in July and then take a measurement, you will get the contribution of two strokes. What would be left is the contribution of four strokes.

This will tell us what the influence of de-tuned four strokes is and whether it makes sense to restore the detuned motors.

Another piece of information we need is what is happening in the river sediments. Some hydrocarbons in gasoline are heavier than others. Heavy hydrocarbons accumulate in the sediments. When a boat motor stirs these up, it is not good for fish eggs and the health of tiny fish.

All of this information will go a long way in helping the river and evaluating whether or not we can sustain unlimited power boats in the river for a long time.

C. Federal staff analysis of fisheries proposals to the Federal Subsistence Program – Connors

Joe provided the Board with two laydowns.

Joe Connors made a *MOTION to endorse the Analysis of Proposals done by the Office of Subsistence Management, dated February 22, 2007 on page 4, 5 and 6 of the handout entitled Kenai Peninsula Fishery Proposal Draft Staff Analyses and Comments. Seconded by Ted Wellman*

Joe would like the Board to write a letter to the Federal Subsistence Board and present it to the meeting on Tuesday during public testimony.

Curt stated that since this is the first time he has seen these documents, without further study, he did not feel ready to

take a vote on it. He wanted to know if there is a way that the board can delay the vote.

Joe stated that the final meeting on this subject is Tuesday.

Brenda stated that she did not like voting for something when she did not agree with all of the points covered.

After discussion, a roll call vote was called for with the following results:

Voting Yes: Joe Connors, Jim Czarneski, Dick Dykema, Dick Hahn, George Heim, Ken Lancaster, Ted Wellman, Rick Wood.

Voting No: Curt Sheuy

Abstaining: Brenda Trefon

Members Absent: Rick Koch, Gary Knopp

MOTION passed.

The second laydown was information on HJR No. 4 sponsored by Rep. Kurt Olson requesting the Federal Subsistence Board to reconsider its decision regarding the subsistence fishery priority given to Ninilchik, Happy Valley, Hope and Cooper Landing residents on the Kenai/Kasilof Rivers.

Joe made a *MOTION to adopt HJR-4 as it deals with the Kenai/Kasilof Subsistence Priority given to Ninilchik residents.*

Joe recommended that the Board endorsement HJR-4 by sending a letter of support to Rep. Kurt Olson and have a representative of the Board to testify that we have taken that position.

Discussion followed. Brenda felt that the Board should not be endorsing politics. She disagreed with the resolution wording "WHEREAS, the communities of Ninilchik and Happy Valley have not exhibited a long-term and traditional fishing history in the Upper Kenai..." She felt that this was questionable information. She also felt that the message is very disrespectful for the native groups that have been trying to get some subsistence rights on the Kenai River and to say.

that traditional ecological knowledge from the tribal elders is anecdotal evidence rather than facts available is ludicrous. She wanted the Board to think hard about what kind of message they would be sending back to the community.

Ted is in favor of supporting this resolution. He said that communities that claim subsistence rights based on a theory that fish stocks pass by these communities is a dangerous trend.

Curt brought up the discussion at the last board meeting of how much notice was needed for action items.

Dick Hahn stated that at the January 11 meeting, it was decided there needed to be two week notice for any action item, unless waived by the Chairman.

Ken referenced Robert's Rules.

Joe said that an effort had been made to have Doug McBride of the Office of Subsistence Management come to the meeting to speak on this issue, but he was not available.

Ted stated that there was an exception to items that had to be acted on in a short timeframe. The two week rule could be waived by the Chairman.

A roll call vote was called for with the following results:

Voting Yes: Joe Connors, Dick Dykema, George Heim, Ken Lancaster, Ted Wellman, Rick Wood

Voting No: Jim Czarneski, Dick Hahn, Curt Shuey, Brenda Trefon

Members Absent: Gary Knopp, Rick Koch

MOTION passed.

## **V. ACTION ITEMS**

### **A. Officer Elections.**

Nominations for President were as follows:

Dick Hahn nominated Curt Shuey, seconded by Jim Czarneski.

Joe Connors nominated Ken Lancaster, seconded by Ted Wellman

Joe made a MOTION to cease nominations.

Ted called for a hand vote.

There were six votes for Ken and three votes for Curt. Curt abstained

Ken Lancaster was voted in as President.

Nominations for Vice President were:

Joe Connors nominated Ted Wellman, seconded by Dick Dykema.

Dick Hahn nominated Gary Knopp, seconded by Jim Czarneski.

Ken made a MOTION to cease nominations. A hand vote was taken with six for Ted and four for Gary.

Ted Wellman was voted in as Vice President.

## **VI. PUBLIC COMMENT**

No Public Comment

## **VII. ADJOURNMENT**

A. Board Comments

Dick Hahn: Resigned from the Board effective tonight.

Brenda: Stated that she was really unhappy with the Board's decision to even take a vote on Kurt Olson's resolution.

Tim: Thanked the Board for bearing with him on his presentation.

George: Stated that there was some unfortunate language in the HJR4 resolution and apologized to Brenda.

Bobbie Jo: Thanks the Board for inviting her and hoped to be back for additional updates on their progress.

Tom: Discussion on limited entry for the sport fishing industry can be found on the ADF&G web page under the Sportfish link. He encouraged the board to look at it and make comments. The web page will continue to be updated with more information.

#### B. Date/Agenda of Next Meeting

Next meeting will be April 12, 2007 at 5:30 p.m. at the Kenai River Center.