



Chapter 1

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CHAPTER 1

INTRODUCTION AND SCOPE OF PLAN

1.0 Kenai River Comprehensive Management Plan

The Kenai River Comprehensive Management Plan (Management Plan) is the basis for management of state land and waters within the Kenai River Special Management Area (KRSMA) and other state land within the planning boundaries of the Management Plan. The initial Management Plan was developed by the Department of Natural Resources (DNR) in 1986, and has formed the basis for the management actions of DNR since then.

This revision of the Management Plan continues many of the same planning objectives. This revision also functions as a coordinated, multi-agency planning document. It is intended that local, state, and federal agencies will use this plan as a basis for management of land under their jurisdiction. The plan also helps coordinate and integrate uses and resource management of federal lands within the Kenai River drainage including the Kenai National Wildlife Refuge and the Chugach National Forest, consistent with the management directions and policies of those agencies.

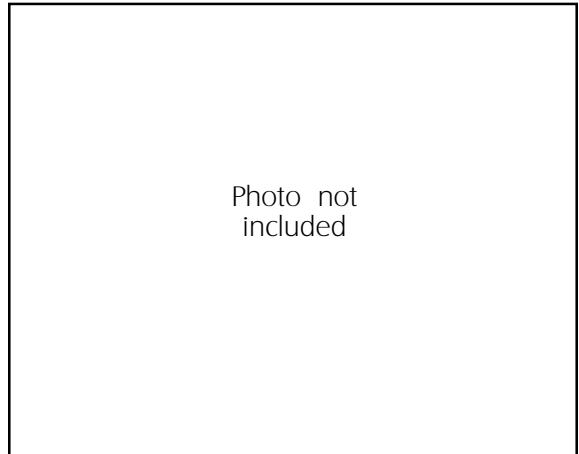
The Management Plan does not directly affect private lands, although habitat and environmental recommendations are included that relate to private land. These recommendations are advisory in nature. The cities of Kenai and Soldotna and the Kenai Peninsula Borough will determine if recommendations are appropriate to their jurisdiction, and may enact code and ordinance changes to implement the recommendations.

The overall scope of the Management Plan is purposely broad, to deal with the wide array of factors that may affect the Kenai River and its tributaries. Recommendations are included for the entirety of the watershed and individual reaches of the river. While the geographic scope of this planning process includes the entire watershed, the focus of recommendations is the 'Plan Boundary' area, which includes the Kenai River, its tributaries, and those areas and habitats either having a hydrological connection to the Kenai River or those significant in terms of wildlife or the fishery.

1.1 Reasons for Plan Revision

Since the plan was adopted in 1986, much has changed on the Kenai River. In addition to growing numbers of people using the river and the associated impacts, there is better information about the impacts of this increased use on the river's fish habitat. Recreational use conflicts are increasing as more people use the river's recreational opportunities. There have been significant achievements in protecting the river, and many of the recommendations in the 1986 plan have been implemented. There is a heightened sense of public stewardship of the Kenai. The need to respond to increasing pressures on the habitat and resources of the Kenai River, coupled with the Board of Fish's requirement to prevent additional losses of riverine habitat, caused the Knowles Administration to initiate this revision of the Kenai River Comprehensive Management Plan in 1995.

A detailed description of the major issues that the 1998 Management Plan revision address is contained in the section on 'Planning Issues' of this plan and in the Technical Report. Significant issues which required the revision of the Management Plan are:



Fish and Wildlife New research shows that near-shore riparian habitat with overhanging vegetation, irregular banks, and slow water velocities is very important rearing habitat for juvenile salmon. Increased recreational use and land development have greatly increased the amount of bank trampling and vegetation loss, resulting in a significant loss of this rearing habitat. The Alaska Department of Fish and Game (ADF&G) has recently confirmed that certain river reaches are critical brown bear migration corridors.

Recreation Increasing pressure from bank anglers during the sockeye salmon season has caused increased damage to riparian habitat from bank trampling, increased trespass incidence on private property, and demand for more access. The quality of recreational experience has also declined due to crowding and increased competition for space.

Boat Use Boat use has increased significantly, resulting in competition for fishing holes, conflicts in fishing methods, and between guided and non-guided groups, and fishing and non-fishing groups. There is concern that heavier boats cause larger wakes that impact riparian habitat. A recent study by USGS (1997) indicated that boat use, under certain conditions of passenger loading, location of operation in river, and type of hull design, produced varying levels of stream bank erosion at the testing site used in their analysis. Jet-ski use on Kenai Lake is increasing and is becoming controversial.

Commercial Use The number of commercial operators, primarily fishing guides, is at its highest level ever. There is increasing pressure to limit commercial use, and to develop standards for commercial operators.

Environment Many on-site septic systems are inadequate—most soils in the river corridor appear inadequate for septic tank absorption fields. System maintenance is sporadic. Many areas are underlain by high ground water tables, which also affect the operation of septic systems. There is also concern that discharge from the Soldotna sewage treatment plant is affecting water quality. Runoff from streets (oil, salt, etc.) may also be impairing water quality.

Land Use The growing borough population has increased the demand for river front lots and has put higher development pressures on land in the watershed. Development within the ‘central peninsula’, including much of the watershed, has increased significantly during the last decade. Development can have adverse impacts on habitat, water quality, and recreation use if proper management practices are not followed. Especially of concern are the riparian habitat, wetland, and floodplain areas.

Enforcement There is growing concern for more enforcement presence along the Kenai River (i.e.. enforcement of wetlands regulations, pollution, septic systems, fishing regulations, littering, etc.). The Kenai Peninsula Borough, as a second class borough, is limited to civil penalties for enforcement.

1.2 Statutory Authority

The requirement for a Kenai River Comprehensive Management Plan derives from Alaska Statute (AS) 41.21.506, establishing the Kenai River Special Management Area, and the authority of the Commissioner of the Department of Natural Resources to develop and revise a Kenai River Comprehensive Management Plan. The Kenai River Special Management Area encompasses specific areas of the surface estate of the state land and waters within and adjacent to the Kenai River. The subsurface estate is not included within KRSMA, although it is closed to mineral entry under AS 38.05.181 - .280, excluding oil and gas leasing under AS 38.05.180.

The purpose of KRSMA, by statute, is:

“To protect and perpetuate the fishery and wildlife resources and habitat in the unit and adjacent area,” (AS 41.21.500 (2), and

“To manage recreational uses and development activities in the unit and adjacent area” (AS 41.21.500(3).

The KRSMA enabling legislation states:

“The river’s fishery and wildlife are it’s most important resources. The highest priority uses of the river and its adjacent land derive from its fishery and wildlife resources which must be protected and preserved to ensure their renewability and continued usefulness.”

The authority to develop and revise the Management Plan is given to the DNR Commissioner, in consultation with the Kenai Peninsula Borough. The Commissioner is also required to appoint an advisory board to participate in the development of the Management Plan. This board is the Kenai River Advisory Board (KRAB).

The purpose of the Management Plan states, in part:

“the Kenai River Management Plan is to provide effective direction to the management of the fishery and wildlife resources, sensitive habitat areas, recreational, and development activities in the Kenai River Special Management Area and those areas adjacent to it.”

AS 41.21.506 gives the authority to the DNR Commissioner to adopt regulations under the Administrative Procedures Act to implement the plan. These regulations must:

“designate incompatible uses and prohibit or restrict them,” and

“establish a registration, licensing or comparable procedure for professional fishing guides and such additional fishing guide controls as the Commissioner considers necessary.”

The DNR Commissioner may adopt regulations that are consistent with and that implement the legislative purposes of KRSMA. These authorities are necessarily general in order to give DNR flexibility to effectively manage KRSMA. The scope of regulations to implement these purposes are also allowed to be broad.

The regulations only apply to land owned by the State, “but does not apply to land not owned by the State that is located within the boundaries of a municipality unless the regulation has been approved by the municipality.” Recommendations in the plan that relate to non-state land are advisory. Local unit of government or federal agencies may adopt regulations or ordinances that implement plan recommendations.

1.3 Plan Study Area and Plan Boundary

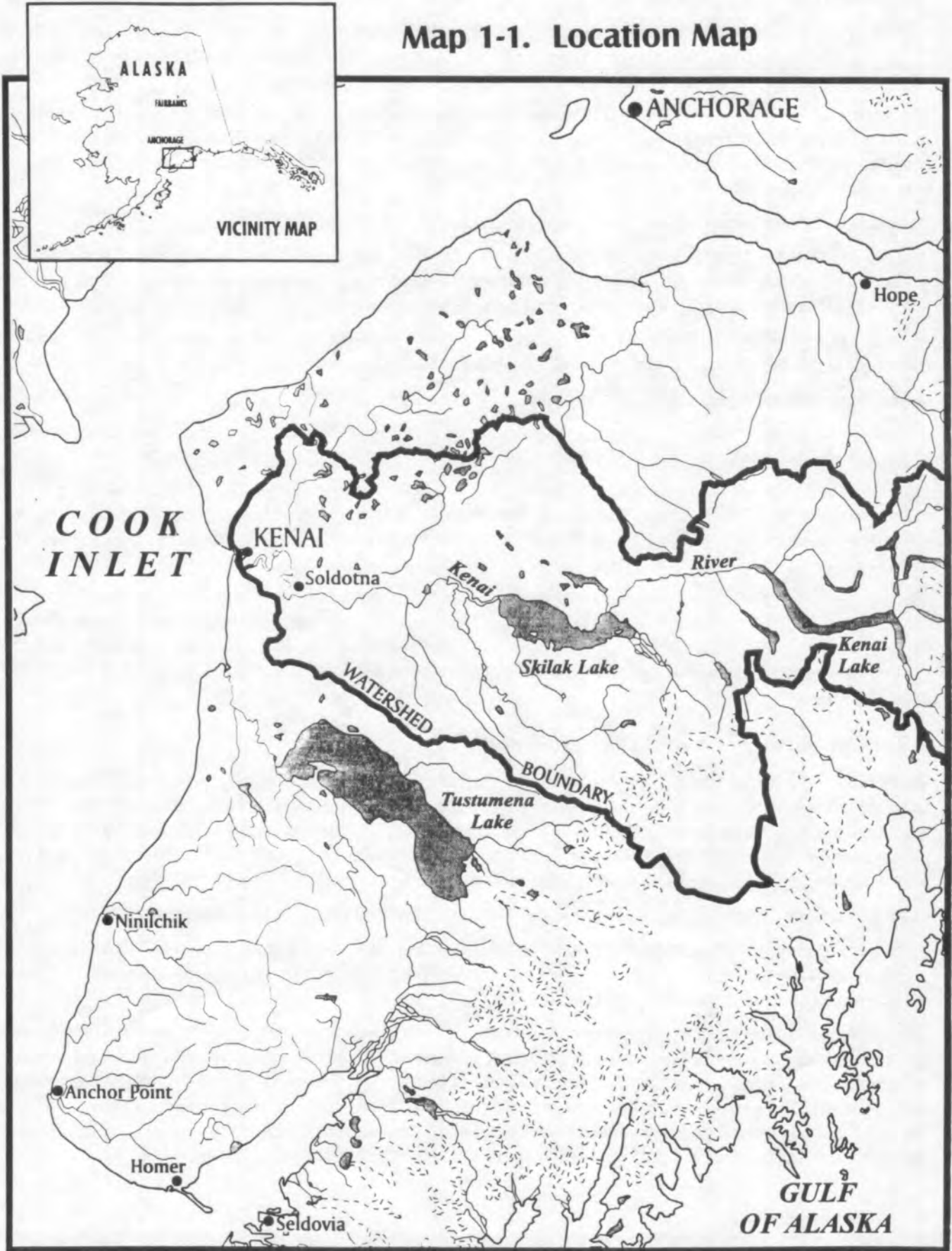
Study Area The Kenai River is a complex and dynamic system, with many interrelated components. A basic premise of the 1986 plan and this revision is that the entire river system must be considered when making long-term recommendations to ensure the river’s continued health. The study area of the plan was identified as the river’s watershed in 1986. This revision uses the same boundary. Map 1-1 is a location map and Map 1-2 is a generalized map of the watershed.

Plan Boundary Enabling legislation for the KRSMA discusses the plan boundary:

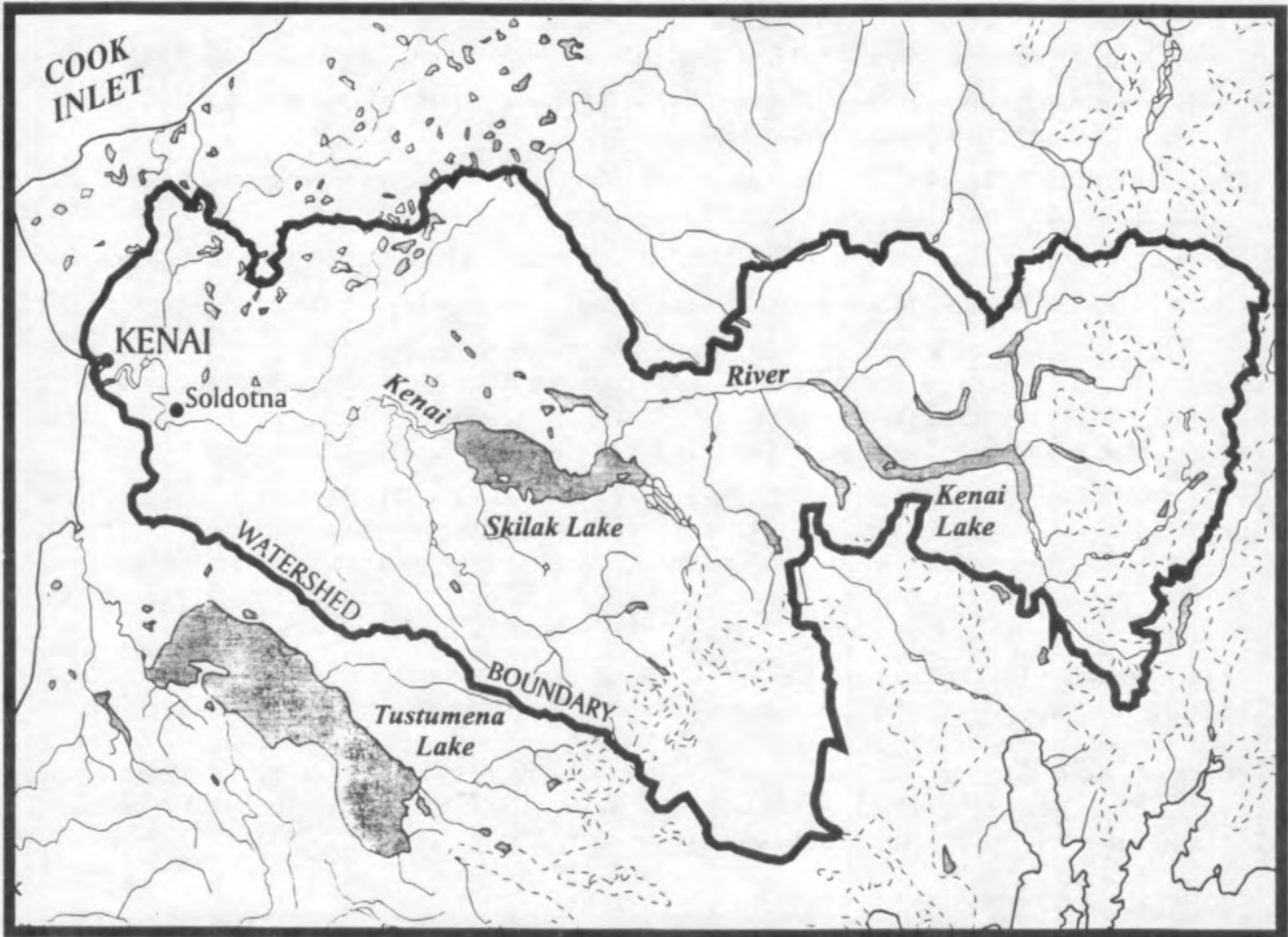
“the plan may include the land adjacent to [the KRSMA] whether the land is owned by the State or privately owned and may include other land considered appropriate by the commissioner and the Kenai Peninsula Borough” (AS 41.21.506).

The 1986 Management Plan development recognized that some activities tend to be dispersed geographically throughout the study area. However, it was also evident that many recommendations would be more focused, concentrating on the Kenai River, its tributaries, and wetland areas contiguous to the river. The original plan developed a plan boundary that focused on these areas in order to ensure that the most critical hydrologic components were covered. The watershed boundary was retained, primarily to ensure that recommendations for the more dispersed activities could be included.

Map 1-1. Location Map



Map 1-2. Kenai River Watershed



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The boundary of the 1986 Kenai River Comprehensive Management Plan, retained in this revision, includes the following lands and waters:

- ❖ Kenai River Special Management Area, which includes the Kenai River, Skilak Lake, Kenai Lake, and selected state-owned uplands;
- ❖ tributary streams and lakes;
- ❖ wetlands contiguous to the Kenai River and tributary streams and lakes;
- ❖ 100-year floodplain of the Kenai River and tributary streams; riparian areas associated with the Kenai River and tributary streams and lakes;
- ❖ important fish and wildlife habitat areas, including islands, the Snow River alluvial flats and bald eagle wintering areas; erosion-prone shorelines;
- ❖ selected National Forest Community Grant (NFCG) selections and state general domain lands; and
- ❖ an additional 300 feet, measured horizontally from the outside limit of the previous criteria.

Appendix A shows the plan boundary on 1 inch = 1 mile scale maps, based on USGS 1:63,360 quad-range maps. These maps include most of the land and water types listed above. However, some riparian areas, floodplains, important habitat areas, and erosion-prone shorelines have not yet been identified. The plan boundary will be amended as this information becomes available.

Inclusion of an area(s) within the Plan Boundary does not mean that all plan recommendations will apply. Inclusion indicates only that the area is important and that *some* recommendations are directed towards it. Recommendations relating to specific areas within the Plan boundary may be advisory, therefore having no immediate regulatory effect. The reader should carefully review the narrative describing the recommendations to determine whether it is binding or advisory in its effect.

The Plan Boundary is to be distinguished from the Study Area boundary and the boundaries of KRSMA. The Study Area boundary includes the Kenai River watershed, encompassing the Kenai River, its tributaries, and the areas within the river's watershed. KRSMA boundaries are those established by statute, and include the Kenai River, portions of the Moose and Funny rivers adjacent to their confluence with the Kenai River, and scattered parcels of state land adjacent to the Kenai River. The KRSMA boundary is considerably smaller than the Plan Boundary.

1.4 Enabling Legislation, Legislative History

The 1984 legislation creating the Kenai River Special Management Area was the culmination of mounting concern for the river dating back several years. Many factors were responsible for this concern, including rapid growth in the river's sport fishery, the emergence of the sport fish guiding industry, and settlement of the river's shorelines. The history of the significant events that are associated with the creation of the KRSMA and the subsequent development of the original Management Plan is included in the Technical Report. Important aspects are:

Kenai River Task Force In 1982, Governor Jay Hammond ordered the departments of Fish and Game and Natural Resources to convene a Kenai River Task Force to examine issues involving the river and to make corrective recommendations. The group's major recommendation called for a formal designation stating that the highest and best use of the Kenai River was the utilization of its fish and wildlife resources, and that all other actions should be evaluated relative to this priority use.

Legislative Resolve 26 Acting on the report of the Kenai River Task Force, the 1983 Alaska Legislature passed Legislative Resolve 26, asking Governor Sheffield to research the Kenai River situation, with representation from the departments of Natural Resources, Fish and Game, Public Safety, and Environmental Conservation. A major recommendation of the resulting report called for designation of the Kenai River as a special unit of the state park system, with the Division of Parks and Outdoor Recreation assigned management responsibility.

KRSMA Enabling Legislation This legislation, codified under AS 41.21, established the Kenai River Special Management Area, to be managed by the Department of Natural Resources. The ADF&G authority to regulate fishery and wildlife resources was retained. The purpose and planning requirements of KRSMA are described in subsection 1.2, “Statutory Authority.” Other elements include:

- ❖ AS 41.21.508 authorizes the State to acquire land adjacent to the special management area by various means. Eminent domain is specifically prohibited. The State may also adjust the boundaries of the area by adding state-owned land and water.
- ❖ AS 41.21.510 deals with public involvement. It requires the appointment of an advisory board and discusses its composition. It directs the State to consult with the board, other agencies, interest groups, and the public during plan formulation and implementation.
- ❖ AS 41.21.512 authorizes the State to enter into cooperative agreements with other public agencies and private parties.

Kenai River Comprehensive Management Plan In response to increasing pressures on the Kenai River’s ecological system by statewide population growth, increased use of the river for both boat and bank fishing, and changes in boat fishing methods and intensity, the enabling legislation required DNR to develop a management plan for the Kenai River. The Kenai River Comprehensive Management Plan was prepared in 1985 and adopted by the DNR Commissioner in 1986 to provide the basis for management of state land and water within KRSMA and an adjacent planning area. Most plan recommendations were implemented over time, either in whole or part.

1991 Guide Limitation Proposal The Division of Parks and Outdoor Recreation developed a proposal to limit the number of guides on the Kenai River in 1991. This was prompted by the rapid growth in the Kenai River fishing guides and by the public’s perception of being crowded out of the prime fishing holes by the “aggressive behavior of some motorized fishing guides.” Under this proposal the number of guides would be decreased from the then-present number of 310 to a long-term total of 250. Review of this proposal by the Attorney General’s Office determined that it violated several clauses of the State Constitution, and the proposal died.

1.5 Relationship to Other Plans

This Management Plan forms the basis for state decision making for areas included within KRSMA. Other DNR land and resource plans are used as the basis for actions on state land in other parts of the watershed. The Management Plan is also intended to function as a coordinated, multi-agency planning document. Local, state, and federal agencies can use the plan recommendations as a basis for management of lands under their jurisdiction. As such, it is intended to help coordinate and integrate the uses and resource management activities of federal lands within the Kenai River drainage, including the Kenai National Wildlife Refuge and the Chugach National Forest, consistent with the management directions and policies of these agencies. The Management Plan is not intended to function, however, as the basis for decisions affecting fish allocations or fishery management by ADF&G and/or Board of Fish. The Management Plan should help ensure consistency of efforts between the various agencies and units of government owning or managing land in the Kenai River corridor.

Kenai River Comprehensive Management Plan The Management Plan will form the basis for decision making by the Division of Parks and Outdoor Recreation (DOPOR) and ADF&G in their management of the Kenai River State Management Area. This means that decisions within KRSMA by these agencies will follow the recommendations of the Management Plan. Certain recommendations in this plan will require enactment through regulations or department orders adopted by the DNR Commissioner. Inclusion of recommendations in the Management Plan will not ensure their use until necessary implementation tools are enacted.

Kenai Area Plan DNR manages state lands through area plans. These plans identify state lands to be retained in state ownership and those to be disposed of, classifies state lands into resource categories,

and forms the basis for other DNR decision making in its management of state resources, including forestry, and mineral management and development. The Management Plan and the Kenai Area Plan will be closely coordinated in their development, with consistent recommendations in each.

Upper Kenai Cooperative Plan The Upper Kenai Management Plan is a cooperative planning effort by federal and state agencies (primarily USFS and US FWS, and DOPOR) to prepare a coordinated management plan for the Upper River. (The Upper River is that section of the Kenai River between and including Skilak Lake and Kenai Lake.) The recommendations of this plan have been incorporated in the Management Plan. State management authority exists to implement the recommended actions, either independently or in coordination with USFS and US FWS.

Chugach National Forest Land and Resource Management Plan and Kenai National Wildlife Refuge Comprehensive Conservation Plan These plans are developed by the USFS and US FWS to manage the lands and resources within the Chugach National Forest and the Kenai River Wildlife Refuge. It is intended that recommendations of the Management Plan be incorporated in these federal planning documents, to the extent allowed by federal statute and regulation.

Kenai Peninsula Borough Comprehensive Plan The Borough Comprehensive Plan is used by the Kenai Peninsula Borough (KPB) to manage the resources under its jurisdiction and to provide a consistent guide to Borough decision making on environmental and development issues. It is suggested that the Management Plan be adopted as an element of the Borough's Comprehensive Plan. This will require specific action by the Borough, and it is recommended that the adoption occur at the time of approval of the Management Plan or shortly thereafter, to maintain the continuity of the planning and implementation processes associated with the Management Plan.

Kenai Peninsula Borough Coastal Plan The Borough Coastal Plan is used by KPB to guide decision making in project reviews where a state coastal determination of consistency is required. This review is made according to the 'enforceable policies' of the Coastal Plan. 'Enforceable policy' is that term used in the State Coastal Management Program to refer to specific requirements or standards that are applied in coastal project reviews.

1.6 Plan Development Process

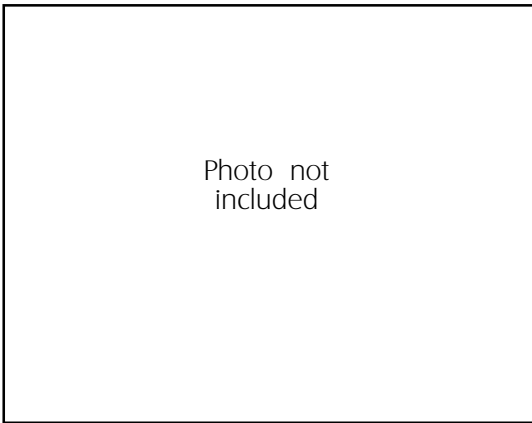
The revision of the 1986 Management Plan involved a series of sequential steps:

Issue Identification In early 1996, the Advisory Board identified certain critical issues affecting the management of the Kenai River. These issues were further refined through public meetings and review of research studies associated with environment, habitat, and land use conditions.

Identification and Development of Goals and Objectives Public meetings were held in Anchorage and Soldotna in March and April, 1996. These were intended to identify what the public considered to be desirable future conditions for the Kenai River. Public comments were then revised to goal and objective statements, and were subsequently reviewed and adopted by the Advisory Board. The revised goals and objectives are included in the Management Plan.

Development of Concept Plan The Concept Plan was developed to give the Advisory Board and the public a sense of the range of issues affecting the revision of this plan, and types of recommendations that might be used to resolve identified problems. These initial recommendations were reviewed with the public and the Advisory Board, and were subsequently refined for eventual inclusion in the Management Plan.

Technical Report A Technical Report for the draft Kenai River Comprehensive Management Plan was prepared in mid-1996. It provides more detailed data on background information essential to an under-



standing of the habitat and environmental attributes and recreational use patterns of the Kenai River. It also describes much scientific, hydrologic, and cultural information that form the basis for recommendations included in the Management Plan. The reader should consult the Technical Report for more detailed explanations of environmental, habitat, recreation, and other information pertinent to an understanding of the factors affecting, or likely to affect, the Kenai River.

Development of Draft Kenai River Comprehensive Management Plan Recommendations in the Concept Plan were further developed and refined through public meetings in late 1996. Recommendations derived from that process, Advisory Board review of these recommendations, and discussions with a variety of government agencies formed the basis for the recommendations in the draft (revised) Management Plan. The draft Management Plan was reviewed by the public in March and April of 1997. Agency and public comments were included in two reports: "Public Comments on the Kenai River Comprehensive Management Plan (Revision)" and "Public Review Draft Comments Database." The latter summarized all of the public comments and sorted these by subject and geographic area. These reports and a "Response-Summary" (May, 1997) prepared by DNR provided the basis for the Advisory Board's discussion of agency and public comments. They also formed much of the basis for the final modifications of the draft Management Plan recommended by the Advisory Board.

Preparation and Approval of Final Kenai River Comprehensive Management Plan The Kenai River Advisory Board (Advisory Board) recommended adoption of the Management Plan to the Commissioner in July 1997, following its review and revision of the draft Management Plan. DNR prepared the draft final Management Plan based upon agency, public and Board comments received throughout the planning process and the recommendations of the Advisory Board. The DNR Commissioner adopted the Management Plan in December 1997. It is intended that the Management Plan will in turn be adopted by state and federal agencies through a Memorandum of Understanding (Appendix D) and through resolutions adopted by local government.

1.7 Role of Kenai River Advisory Board and Technical Working Group

Throughout this process, the Advisory Board has functioned as the focus for the plan's revision. The Board is a 17-member body representing various users and resources managers of the Kenai River. It includes representatives from commercial and sport fisheries, Kenai river property owners, commercial guides, agency personnel from state and federal entities responsible for river management, and representation from local government (cities of Soldotna and Kenai, Kenai Peninsula Borough), as well as members-at-large. Under statute, the Advisory Board is responsible for plan preparation and review and for recommending a final plan to the State (DNR Commissioner), local government (KPB), and federal agencies (USFS and US FWS) as the basis for management actions by public agencies.

A Technical Working Group assisted DNR staff and the Advisory Board with plan development, research, and review of initial staff recommendations. Because of its broad agency representation, this group also provided a forum for discussion of issues of common importance. The Technical Working Group consisted of representatives of the State (ADF&G, ADEC, DNR), local government (cities of Kenai and Soldotna, KPB), and federal agencies (US EPA, USFS, US FWS, USGS).

1.8 Mental Health Trust Land

The statute establishing the Mental Health Trust required that trust land be managed according to the requirements of the Mental Health Enabling Act, established by Congress in 1956. This essentially requires that the trust maximize revenues from trust land over the long term, consistent with the statutory trust best interest requirement. The 1997 Supreme Court decision affirming the Superior Court decision to uphold the settlement recognized the unique character of the trust, and that the Trust Authority is required to act in the best interest of its beneficiaries. The State treats the management of trust land differently than general state land, and this management approach similarly applies to the management of mental health trust land in this Plan.

The prescribed action or policies for state lands found within this comprehensive management plan apply to lands that are owned and managed by the Mental Health Trust *until determined that the recommendations and policies of this Plan are found to be inconsistent with the overall trust best interest.* Maps 4-1 and 4-2 include trust land under the category of “Other State” land. Therefore, the maps cannot be relied upon to accurately reflect the application of the plan on Trust Lands, as mistakes may occur because Trust Lands are not depicted. For clarification of land status regarding Trust Lands, please contact the Trust Land Office at 3601 C Street, Suite 880, Anchorage, AK, 99503-5935.

1.9 Plan Organization

The Management Plan includes the following:

Chapter 1. Introduction and Scope of Plan

Chapter 2. Background Information

Chapter 3. Planning Issues

Chapter 4. Study Area Recommendations

Chapter 5. River Segment Recommendations

Chapter 6. Implementation

Appendices

Technical Report (separate report)