



## **Chapter 6**

# **Plan Implementation**

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# **CHAPTER 6**

## **PLAN IMPLEMENTATION**

### **6.0 Introduction**

This chapter describes the actions and procedures DNR will take to implement this plan, makes recommendations on implementation measures which other agencies should take, and describes the process for plan review, modification, and amendment.

Many recommendations made in the 1986 plan have been implemented. These include the institution of the 35 horsepower limit, modifications to state park regulations, selection of National Forest land under state entitlement, and additions to KRSMA. In part, the need for this plan revision is due to the absence of recommendations within the 1986 plan to guide the management of KRSMA under the changed conditions that now prevail.

### **6.1 Implementation Recommendations**

The real worth of any plan is its ability to be implemented and thereby direct management actions to achieve some desired future state. Much rests on the ability and willingness of the resource and land management agencies to carry out plan recommendations.

Since there are a variety of local, state, and federal agencies who exercise jurisdiction over some aspect(s) of the in-stream permitting or upland development process, implementation responsibilities are varied. Table 6-1 lists the recommendations contained in chapters 4 and 5 indicating the agency with primary responsibility for implementation. Because of the scope of the recommendations, secondary responsibilities are sometimes identified. There may be more than one agency with primary or secondary responsibilities.

A plan monitoring component is also suggested for use in the implementation of this Plan. DOPOR should review the status of the recommendations identified in Table 6-1 on an annual basis with the Advisory Board. This review would measure efforts towards plan implementation, stop implementation efforts for recommendations that are proving unworkable, and make modifications to plan recommendations that will improve their feasibility. Particular attention should be placed on the efforts of DNR to enact necessary regulatory and planning changes; develop the Kenai River Protection Fund (or an alternative funding mechanism that may prove more suitable); develop and monitor efforts towards enforcement and sport fishing guide management changes; and implement the more critical studies, particularly vessel overcrowding and a revised boat wake study.

#### **6.1.1 Kenai River Advisory Board**

DNR will continue to support the Kenai River Advisory Board for the purposes given in legislation. The Advisory Board is responsible for overseeing the revision of the Management Plan, reviewing and recommending implementation actions to the Commissioner for adoption by DNR, and facilitating multi-agency cooperation on projects involving the Kenai River. The Advisory Board should continue to fulfill these functions. However, it is especially important that the Board takes an active role in implementing the Management Plan's recommendations. This will involve the review and recommendation to the Commissioner of orders and regulations intended to adopt the policies and recommendations of this Plan.

The Advisory Board should also be accorded the opportunity to review proposals potentially affecting the Kenai River drainage. This would involve review of significant capital projects; proposed timber harvest plans and sales (Alaska State Forestry and USFS), state land disposals, oil and gas lease sales; and state areawide and local comprehensive plans. This review should occur at the conceptual (feasibility) stage in addition to final plans. This will allow the Advisory Board to review controversial proposals in their earliest, most flexible phase.

The recommendations of the Advisory Board are advisory in character and are to represent the opinions of the Board. (They may not necessarily represent Department positions.)

### **6.1.2 Enactment of Departmental Orders and Regulations**

The Director, DOPOR, has delegated authority to enact changes to operating procedures and practices. The Commissioner has the authority to implement revisions of that section of the Administrative Code dealing with KRSMA.

The recommendations pertaining to KRSMA and other state lands listed in Chapter 4 will be undertaken by the Department. Table 6-1 lists these recommendations and the agencies responsible for their implementation. DOPOR will be responsible for implementation of recommendations directly pertaining to KRSMA; the Division of Land will be responsible for incorporating the recommendations identified in Chapter 4 that pertain to planning and classification actions.

### **6.1.3. Consistency of Agency Actions with Plan**

The Management Plan will be the policy of the Department of Natural Resources, guiding DNR programs along the River and its management of the uplands that are within KRSMA. DNR will use the Kenai Area Plan for the management of state lands and waters not included within KRSMA, as well as those parcels of state land that are intended for eventual inclusion in KRSMA. The latter are to be managed by DNR on an interim basis in a manner consistent with the objectives of KRSMA.

Those departments of the State that are affected by this plan (DNR, ADF&G, ADEC) will, through their planning, permitting and other regulatory programs, implement plan recommendations to the maximum extent practicable. It is also recommended that local (cities of Kenai and Soldotna, Kenai Peninsula Borough) and federal agencies directly involved in resource management along the Kenai River (US COE, US FWS and USFS) implement recommendations through their planning, permitting, regulatory, and other programs to the maximum extent practicable.

### **6.1.4 Facility Recommendations**

DOPOR will implement recommendations identified in Chapter 4 pertaining to park facilities, including but not limited to restoration projects, recreation facilities, and other measures required for the effective management of KRSMA. It is recommended that the non-state agencies implement those park and facility recommendations identified in Chapter 4 relating to their jurisdictional area. These recommendations should be implemented within the next five years or that length of time identified in agency capital improvement programs.

### **6.1.5 Acquisition Recommendations & KRSMA Inclusions**

DNR will identify the parcels recommended for eventual inclusion within KRSMA in the Kenai Area Plan, and will classify these parcels in the retention categories of recreation or habitat, subject to results of the KAP public review process. The Department will submit those parcels identified in this Plan for inclusion within KRSMA to the Legislature for consideration as amendments to the KRSMA boundary.

Subject to the availability of funds, the State will attempt to acquire private property for inclusion in KRSMA on a voluntary, willing seller basis using criteria given in Chapter 4.

### **6.1.6 Recommendations Relating to Local Government**

The Management Plan recommends that the Borough consider certain changes to its subdivision codes well as to both the floodplain and habitat protection ordinances. It is also suggested that the Management Plan be adopted in whole or in part (relating to the recommendation sections) as elements of the Borough's Comprehensive Plan and Coastal Zone Management Program. Similarly, inclusion of the Management Plan in the comprehensive Plan of the cities of Kenai and Soldotna is recommended.

**TABLE 6-1  
AGENCY IMPLEMENTATION RESPONSIBILITIES**

	BOROUGH	DNR/PARKS	DNR/LAND	ADFG	ADEC	USFS	USFWS	SOLDOTNA	CITIES
<b>WATER BASED RECREATION</b>									
4.5.1.1.1 Scenic Operators		°				°	°		
4.5.1.1.2 Rental Boats		°							
4.5.1.1.3 Derbies		°							
4.5.1.1.4 Enforcement		°		°	°	°	°		
4.5.1.1.5 Motorized/Non-motorized Restrictions		°				°			
4.5.1.1.6 Fishing Guides		°							
4.5.1.1.7 Vessel Overcrowding		°							
<b>UPLAND RECREATION FACILITIES</b>									
4.5.1.2.1 Recreation Facilities	°	°		°		°	°		°
4.5.1.2.2 Trails		°				°	°		
4.5.1.2.3 Habitat Restoration Projects	°	°		°	°	°	°		°
<b>HABITAT</b>									
4.5.2.1 Public Access	°	°		°	°	°	°		
4.5.2.2 Public Facilities	°	°		°	°	°	°		°
4.5.2.3 In-Stream Structures		°		°					

**TABLE 6-1  
AGENCY IMPLEMENTATION RESPONSIBILITIES**

	BOROUGH	DNR/PARKS	DNR/LAND	ADFG	ADEC	USFS	USFWS	SOLDOTNA	CITIES
4.5.2.4 Habitat Restoration	°	°		°	°	°	°		°
<b>LAND USE</b>									
4.5.3.1 Extend HPO Ordinance	°								
4.5.3.2 Amend Subdivision Regs	°								
4.5.3.3 Borough Comprehensive Plan	°								
4.5.3.4 Kenai River Center	°	°		°	+				
4.5.3.5 Zoning, Kenai River	°								
4.5.3.6 Public Access Guidelines	°	°	°			°	°		°
<b>LAND MANAGEMENT (PUBLIC)</b>									
4.5.4.1 Borough Land Classification	°								
4.5.4.2 Protection of Parcels	°		°						°
4.5.4.3 Land Acquisition		°		°					
4.5.4.4 EVOS Acquisitions		°		°					
4.5.4.5 Land Disposals	°	°	°	°	°	°		°	°
4.5.4.6 KRSMA, Additional Land		°	°	°					

**TABLE 6-1  
AGENCY IMPLEMENTATION RESPONSIBILITIES**

	BOROUGH	DNR/PARKS	DNR/LAND	ADFG	ADEC	USFS	USFWS	SOLDOTNA	CITIES
4.5.4.7 KRSMA, Additional Water		°	°						
4.5.4.8 Mineral Closure		°	°			°			
<b>ENVIRONMENT</b>									
4.5.5.1 In-Stream Water Reservation			°	°					
4.5.5.2 Impoundment Structure		°		°	°				
4.5.5.3 Drainage Facility Analysis	°								
4.5.5.4 On-Site Disposal Systems	°				+				
4.5.5.5 ADOT Maintenance Yard	°		°		°			°	
4.5.5.6 Logging Standards			°		°	°			
4.5.5.7 Regional Sewage Outfall					°			°	
4.5.5.8 Fuel Storage Standards	°	°	°		°				
4.5.5.9 Wetlands/Water Quality Permitting	+	+	°	+	°	+	+	+	+
<b>FINANCIAL</b>									
4.5.6 River Use Fee		°							

**TABLE 6-1  
AGENCY IMPLEMENTATION RESPONSIBILITIES**

	BOROUGH	DNR/PARKS	DNR/LAND	ADFG	ADEC	USFS	USFWS	SOLDOTNA	CITIES
<b>ENFORCEMENT/REGULATIONS</b>									
4.5.7.1 Enforcement	°	°	°	°	°	°	°		°
4.5.7.2.1 Other Commercial Activities		°	°			°			
4.5.7.2.2 Commercial Review Process		°				°	°		
4.5.7.2.3 End of Season Report		°				°	°		
4.5.7.2.4 Permit Application Process	°	°		°	°	°	°	°	°
4.5.7.2.5 Revised Permit Approval Guidelines	°	°		°	+	°	°	°	°
<b>PUBLIC EDUCATION</b>									
4.5.8 Public Education Program	°	°		°		°	°		
<b>PLANNING &amp; RESEARCH</b>									
4.5.9.1 Water Quality		+		+	°	°			
4.5.9.2 Public Access	°	°	+	+					+
4.5.9.3 River Assessment Studies				°					
4.5.9.4 Floodplain Study	°								



**TABLE 6-1  
AGENCY IMPLEMENTATION RESPONSIBILITIES**

	BOROUGH	DNR/PARKS	DNR/LAND	ADFG	ADEC	USFS	USFWS	SOLDOTNA	CITIES
4.5.9.5 Wetlands Study	°	°	°	+	°	+	+		+
4.5.9.6 Carrying Capacity Study		°							
4.5.9.7 Vessel Overcrowding		°							
4.5.9.8 Boat Wake - Erosion		+		°					
<b>DATA COLLECTION/MANAGEMENT</b>									
4.5.10.1 Data Management	°	°	°	°	°	°	°	°	°
4.5.10.2.1 Boat Use Data		°							
4.5.10.3.2 Water Quality Data				+	°				
4.5.10.4.3 309 Cumulative Impact Report				°					

° Primary  
+ Secondary

The Advisory Board also recommends that the Borough consider the institution of some type of zoning immediately adjacent to the Kenai River to ensure the development of land uses compatible with the continued functioning of the river. The Advisory Board recognized that some changes will represent, if implemented, a significant departure from the way that land uses are managed along the Kenai River. Discussion of this issue with the public indicated a strong interest in developing zoning that would recognize and protect existing uses from incompatible uses, and create an effective mechanism for protecting the Kenai River from undesirable development.

The Borough should consider the designation of parcels under its ownership adjacent to the Kenai River in the manner suggested in Chapter 4. This would involve protection of certain properties under the 'preservation' classification and conveyance to the State of certain parcels for eventual incorporation in KRSMA. The State may be willing to exchange replacement parcels for those conveyed parcels by the Borough.

#### **6.1.7 DNR Operating Budget**

The Department will seek funding to support the additional enforcement presence identified in Chapter 4. The additional enforcement presence recommended in Chapter 4 should be funded by the recommended increases in the guide license fee and/or by the Kenai River Protection Fund (a user fee), if it is established.

#### **6.1.8 Funding: Kenai River Protection Fund and Tax Incentive Fund**

This Plan recommends that the State consider establishing of a Kenai River Protection Fund. As suggested in Chapter 4, this fund would be a type of user fee that would pay for the expected expenses of habitat restoration and protection, parcel acquisition, public education, enforcement, and planning and research. It would be levied against all users of the resource. The Protection Fund should be identified in the enacting legislation as intended for funding of expenses of the Kenai River that are in excess of moneys brought in by guide fees or program receipts. It would be created as a 'special fund' appropriated to the local and state operating agencies responsible for river and adjacent upland management for the purposes described above and in Chapter 4.

It is also recommended that the Borough consider expanding the scope of its Tax Incentive Program to include the costs of in-stream structure removal and rehabilitation.

#### **6.1.9 Cooperative Agreements**

The Department of Natural Resources will seek cooperative management agreements with other land management and regulatory agencies in the river corridor. The scope and extent of potential cooperative agreements is very broad, and specific guidelines for these agreements are recommended. The current Memorandum of Understanding between the agencies pertaining to management of the Kenai River should be re-endorsed in the form represented by Appendix E.

#### **6.1.10 Permitting**

The resource and land management agencies responsible for permitting actions within, adjacent, or hydrologically connected to the Kenai River, should use the Permit Guidelines List in the Appendix C when adjudicating permit applications. These guidelines are intended to interpret the statutory responsibilities of the permitting agencies while at the same time bringing consistency and predictability to the permitting process. The guidelines are not regulations and do not carry the force of law. Individual permitting decisions will continue to be made on a case-by-case basis. This table has been updated from the original 1986 version to reflect changes in siting and design requirements that are commonly used by the permitting agencies and to incorporate recent changes in regulatory authority.

#### **6.1.11 Chugach National Forest Land and Resource Management Plan**

The USFS manages its lands and makes decisions on the use of natural resources within the National Forest consistent with its Forest Land and Resource Management Plan. The plan divides the forest into management areas, one of which encompasses Kenai Lake and the upper Kenai River to the Russian

River confluence. USFS has begun the revising the Forest Plan, which will result in recommendations for recreational activities, possible harvest areas, timber management, scenic quality standards, mining activity and other uses of land. It is recommended that the USFS consider the following approach in its resource planning:

**Recreational Opportunity Spectrum** The Recreational Opportunity Spectrum (ROS) is a system originated by the USFS to categorize areas according to their recreational attributes and ensure that a range of different recreational opportunities (from urban to wilderness) is maintained.

Viewed in context of the entire Chugach National Forest, Kenai Lake is highly developed and would presumably receive an ROS classification that allows intensive recreation activities and facilities. However, when viewed in context of the Kenai River corridor (which contains the highly developed Kenai-Soldotna area), Kenai Lake might be classified as natural or semi-primitive. For the purpose of assigning ROS classifications, the Forest Service should consider Kenai Lake as an element of the Kenai River system. The lake should be classified and managed to maintain scenic values and semi-primitive settings. Intensive recreational facilities should be limited to existing development nodes at the east and west ends of the lake.

**Scenery Management System** The Forest Service employs the Scenery Management System (SMS) to prescribe standards and guidelines governing scenic values on forest lands. In the Kenai Lake and upper Kenai River viewsheds, the USFS should maintain the highest SMS standards to ensure the continued scenic beauty of those areas. Timber harvests, road maintenance, power line crossings, and other activities should be strictly regulated to prevent any resultant decline in scenic values.

## 6.2 Plan Review, Modification, and Amendment Procedures

**Scope** The plan must be able to respond to changing conditions, new technologies, trends in recreation, and other future events which cannot be anticipated at the time of plan adoption. The plan can and should be reviewed, and if appropriate, amended. However, no substantial changes to the plan should be made without the expressed consent of all the signatories to the Memorandum of Understanding.

**Periodic Review** The Department of Natural Resources will conduct a periodic review of this plan every 10 years after its adoption, or more frequently as determined by the Commissioner. Review may be initiated because of public or agency request for review, policy changes within the department, availability of new resource information, emergence of new technologies, and other changing social or economic conditions which affect KRSMA and adjacent areas. Responsibility for performing this review is delegated to DOPOR. The review will be a public process, including public meetings, advisory board participation, consultation with other government agencies and jurisdictions, and contacts with other interested groups and individuals. The review may be very broad or limited to a single recommendation or group of recommendations. Review will result in one of the following actions:

**No Changes of the Plan** The review may determine that no changes of the plan are necessary. No further action will be taken.

**Modification of the Plan** Plan modifications are minor changes that do not alter the intent of the original plan. Modifications may include the incorporation of new resource information, updating of social and recreational data, and the clarification or expansion of original plan recommendations. Authority to modify the Kenai River Plan is delegated to the director of the Division of Parks and Outdoor Recreation. Decisions of the director regarding plan modifications may be appealed to the Commissioner.

**Amendment of the Plan** Plan amendments add to or modify the plan's basic intent. Amendments may be new state policies which will change recreational uses and patterns in the Kenai River or which might significantly affect the river's fish, wildlife, or other natural resources. Examples of plan amendments are a limitation on the number of guide permits issued under 11 AAC 14 and 11 AAC 18, area closures or use limitations under 11 AAC 12 or 11 AAC 20, revision of the plan's boundary resulting from new criteria, and new or different permitting guidelines for in-river. Amendments of the Kenai River Management Plan are made by the Commissioner.

### **6.3 Annual Review of Implementation Recommendations**

The Advisory Board will annually review the status of the recommended implementation actions identified in Table 6-1. It may make recommendations to the DNR Commissioner; Director, DOPOR; other state and federal agencies; and local units of governments that improve the recommended strategy or are otherwise related to plan implementation.