

H B

278

Protecting fishery is prime concern

Mr. Chappell neglected several important points in his article in last Sunday's Daily News "Battle rages over Kenai River salmon." In a telephone interview, March 19, he asked me several times what our group's primary goal was and I told him each time that it was for "preservation of the resource" — that is the king salmon run itself. This point wasn't ever mentioned in his article. The resource preservation has been our prime goal since our association was formed last summer.

We strongly protest the action by the

fisheries board last July that allowed the commercial overharvesting of the second king salmon run in the Kenai. That 13-day continuous "emergency opening" of 24-hour commercial fishing blocked this second run of large king salmon from even getting to the river — it may have wiped out the run.

When I was quoted as saying, "Why does the commercial fisherman have more right to those fish than my kids do?" it was stated in regard to the "emergency opening" last July that allowed some 85 or so commercial fishermen to harvest over 700,000 red salmon. Those fish that were netted would have allowed a daily bag limit for instance to over 200,000 sport fishermen. Why wasn't the sportsman limit for reds raised from three to six or more salmon for that same period of time? It's incredible that the sportsman received an "emergency closure" so the commercial fisherman could have an "emergency opening."

We do not blame any commercial fisherman or set netter for harvesting any fish that he's allowed to by the fisheries board. We do, however, strongly object to that board's policy when its action allows the possible destruction of a salmon run — as it did last July. We have never advocated nor did I tell, Mr. Chappell that we were against the present July 1 to Aug. 15 commercial fishing period. We do, however, feel the period shouldn't start before July 1 as it has several times in the past.

Once again, our bottom line from day one has been for the protection of the resource. There are fish for all of us, commercial and sportsmen, however, nobody wants to see the last king salmon caught as was almost done in Cook Inlet during the 1950s and '60s. Those records of overharvesting speak for themselves — let's not have history repeat itself again. Let's protect the resource above all. Let's all work together toward that end.

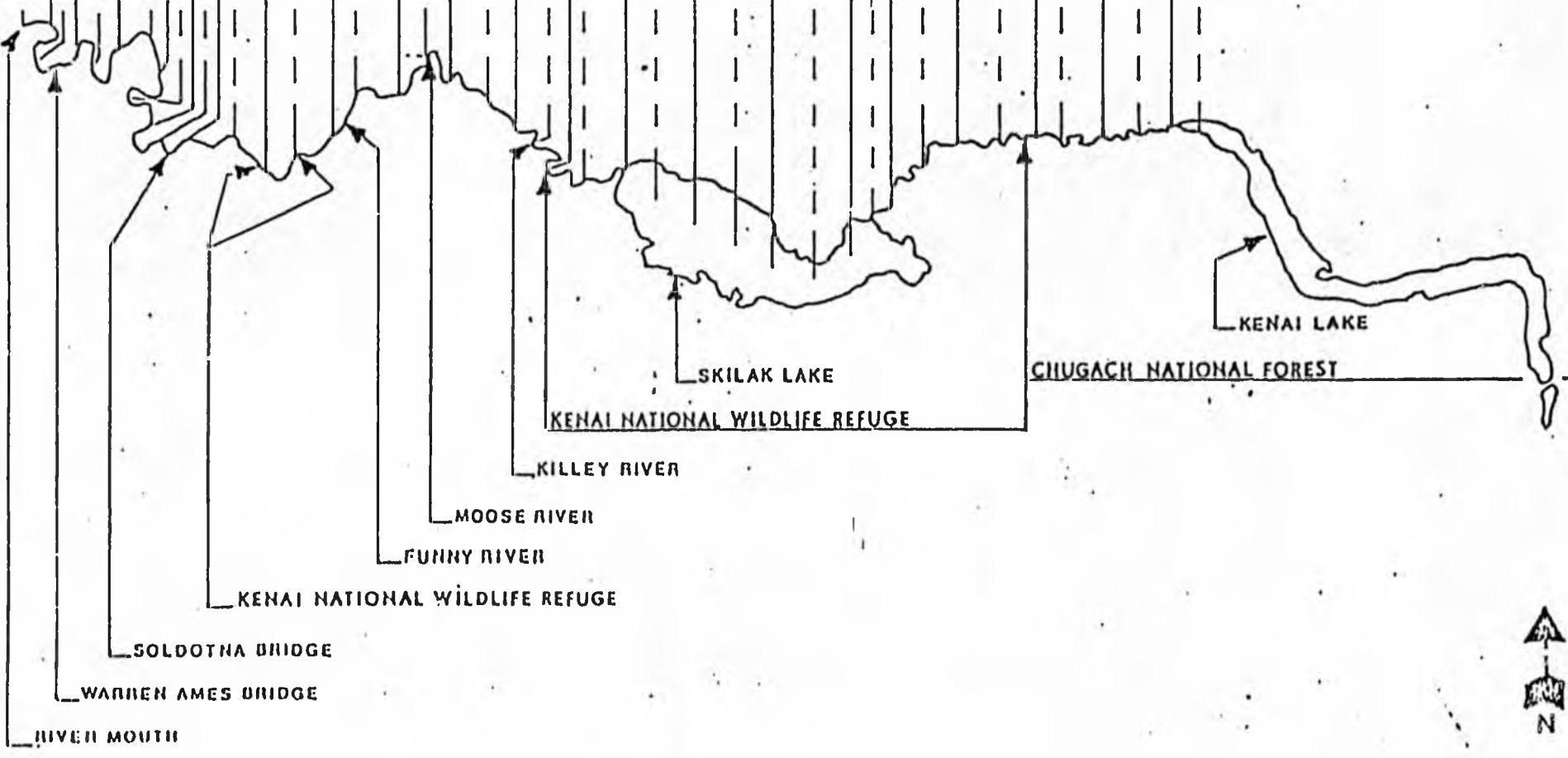
— Robert C. Penney

Kenai River Sportfishing Association

RIVER MILES

0 4 8 12 16 20 24 28 32 36 40 44 48 52 56 60 64 68 72 76 80 84

2 6 10 14 18 22 26 30 34 38 42 46 50 54 58 62 66 70 74 78 82



KENAI RIVER TASK FORCE

KENAI RIVER

disjunct attempts to address specific aspects of the overall problem, he spoke strongly about the need for a unified approach to the stewardship of the River. He stated his belief that "the first step toward finding a solution is for the various agencies to join together with interested private groups and associations to sort out responsibilities and to address future management needs on the river." He concluded by noting that he was requesting the Departments of Natural Resources, Fish and Game and Public Safety to initiate such an effort.

Procedure Used By the Kenai River Task Force

An initial letter of invitation went out to twenty-seven different agencies and individuals advising them of the effort that was ahead and soliciting their participation. Over sixty people responded by attending the organizational meeting which was held in Soldotna thus forming the core of the Task Force.

Following a general discussion by all participants and the selection of a permanent chairman, two seven-man subcommittees were named to address biology/habitat problems and social/enforcement problems. The group as a whole identified an initial list of problems to be considered.

Interspersed with their separate working sessions the combined subcommittees functioning as the Joint Working Committee (Appendix A) held public hearings (Appendix B and Appendix C) in Soldotna and Anchorage and met with concerned agencies. This work allowed each subcommittee to draft a statement about the problems and the suggested solutions which they had identified.

The Joint Working Committee reviewed the two reports, made modifications where they were desired and merged them into this single preliminary draft report.

Overall Assumptions Made By the Kenai River Task Force

There are several broad concepts that recurred throughout the Joint Working Committee and Task Force deliberations and are important to the understanding of the choices and recommendations which the group ultimately made. They are equally important to the understanding of the critical point at which the Kenai River now is in the eyes of the professionals and laymen most familiar with it.

Conditions for both river inhabitants (fish and wildlife) and river users (people) have deteriorated during the past two decades; and the rate of deterioration seems to be increasing.

Unless some meaningful remedial action is taken soon, conditions will continue to worsen - perhaps to the point of irretrievable loss.

The biological productivity of the River is the central concern for most users of the River and to a public well beyond the immediate confines of the River.

The additional passage of time before remedial action is taken can only increase the severity of the measures that will, ultimately, have to be imposed.

It is in this context that the Joint Working Committee undertook the consideration of the specific issues and alternatives.

ISSUE H:

The increasing use of the river has created a conflict between users and land owners with riverfront property.

PROBLEM STATEMENT:

As public usage of the river increases, public access facilities are stressed to capacity and beyond. Trespass violations escalate; litter, both as detritous and as human waste, burden river banks. The conflict between public usage and private rights weighs heavily on riparian landholders.

RECOMMENDED ACTION:

Increase access points on the Kenai River. On the main stem, increased launch facilities on the upper and middle sections of the river and boat-accessible sanitation stations on the upper, middle and lower sections of the River should be provided.

Expand access to alternative salmon stocks at Deep Creek, Whiskey Gulch and in the Susitna drainage. The increase of access, both on and off the Kenai River, is essential to reduce existing conflicts between anglers and landowners.

OTHER SUGGESTED SOLUTIONS:

- (1.) Restrict public access to the river, e.g., allow fishing only on alternate days.
 - (2.) Restrict private ownership on the river, e.g., condemn a 20 foot access strip along the river banks.
- - - - -

ISSUE I:

Lack of regulatory enforcement resources may be preventing the enforcement of existing regulatory measures designed to protect the Kenai River and its fishery resources.

PROBLEM STATEMENT:

Some current regulations designed to protect the habitat or fish stocks of the Kenai River are ineffective for one of two primary reasons; it is incomprehensible to the public or a lack of enforcement resources has prevented prosecution of those violating the regulations.

Lack of resources by the various agencies charged with enforcing existing regulations, either manpower or

equipment or both, have severely restricted the investigation and prosecution of the offenses. Inability to assign qualified men to the Kenai River during the busier times and a certain reluctance or public apathy regarding these violations have resulted in offenders going unreported or unidentified.

Certain public agencies have expressed their frustration about trying to conceive and enforce a consistent river policy. Singularly or in combination, the illegal alteration of habitat or illegal harvest of fish stocks may result in decreased productivity of the Kenai River.

RECOMMENDED ACTIONS:

Increase funding and manpower for all aspects of enforcement of current and future Kenai River regulations designed to protect habitat and/or fish stocks. [also see ISSUES G and J; Recommended Actions]

Conduct a legal review of the current regulations affecting the Kenai River.

Codify the regulations pertaining to the Kenai River. With almost (twenty agencies) having some degree of control over the River, the present need for a central reference document of river regulations is overwhelming. The codification of diverse river regulations could do much to reduce perceived conflict between "intent" and the "wording" of existing regulations.

OTHER SUGGESTED SOLUTIONS:

- (1.) Create enforceable regulations.
- (2.) Standardize sentences or create mandatory sentences for various violations.

ISSUE J:

There is a conflict caused by the negligent operation of boats by some river users.

PROBLEM STATEMENT:

The negligent operation of boat can bring it into conflict with other craft operating on the river at the same time. There is apparent public concern particularly for stationary or slow moving boats being dangerously rocked or even swamped by high speed and negligent operations of some boats. As river use intensifies, the

ISSUE N:

There is a conflict that arises from the differing management philosophies which govern various aspects and sections of the River.

PROBLEM STATEMENT:

With almost twenty public bodies having both direct and indirect impact on the River, the potential for conflict is enormous. Moreover, small policy decisions by an upstream agency (e.g., Bureau of Mines) can exert large pressures in downstream policies. At present, there is no public body to either monitor or adjust conflicting agency philosophies.

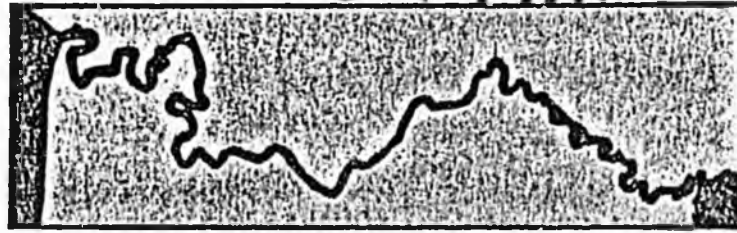
RECOMMENDED ACTION:

Create a Kenai River Commission or Authority within the Office of the Governor. The Commission could coordinate programs and attempt to resolve disputes between various governmental units; serve as a clearinghouse for permit applications; perform appropriate planning functions and make recommendations with respect to how proposed activities along the River conform to the declared primary function of the River. The creation of a River Commission could eliminate much of the existing and potential conflict. [also see ISSUE A; Recommended Actions]

OTHER SUGGESTED SOLUTIONS:

(1.) Adopt the Division of Parks proposal developed previously. If combined with a citizen's policy board that proposal could provide greater centralization and unification of river policies than exists at present.

FROM: KENAI RIVER STATE PARK UNITS MASTER PLAN



ANALYSIS AND EVALUATION

Based upon factors such as the natural and social environments, existing recreational patterns, emerging recreational trends and issues, and public opinion and perceptions, several conclusions can be drawn concerning the role of the State Park System on the Kenai River. Information provided in preceding chapters has been synthesized in order to present specific recommendations. For clarity, the analysis discussion is divided into these categories:

- Overall river management
- Spectrum of recreational opportunities
- Environmental protection
- Major actions, proposals affecting recreation

Overall River Management

An overriding public concern is the lack of comprehensive management of the river itself. Various public agencies have specific responsibilities in the river corridor (See Figure 22, page 44), but none of these agencies has an overall coordinating function, thus land and water use proposals and developments are evaluated and managed only from narrow perspectives. Because many

developments and activities have secondary or cumulative effects, the river has suffered from a lack of comprehensive management technique.

The Kenai River needs a lead group or agency whose mission is the protection of the river's natural systems and the coordination of the various, and sometimes competing, human enterprises which the river attracts.

This clearinghouse function can be accomplished in a number of ways. Because many of the activities causing concern are recreational in nature, it has been suggested that the Division of Parks assume responsibility for managing the river water column in addition to managing the specific park units. Under this proposal, the division would manage the river as it does other park units. Regulations would be formulated concerning acceptable and unacceptable activities. Boat types, engine horsepowers, motorized and non-motorized boating areas, speed limits and commercial enterprises would be regulated by the division.

As the Division of Parks is not presently capable of assuming such a monumental

responsibility, it is recommended that an ad-hoc group - representing the agencies with jurisdiction on the river - be convened to examine the various problems. This is consistent with a directive by Governor Hammond to the Departments of Natural Resources and Fish and Game to begin cooperative planning for management of state-owned resources. These state agencies should be joined by their counterparts at the federal and local governmental levels. After being given a report from the assembled agencies concerning jurisdictions, policies, responsibilities and possible approaches for comprehensive river management, the governor might convene a citizens' task force. This group could be made up of non-affiliated citizens and report directly to the governor with its final recommendations.

Spectrum of Recreational Opportunities

Recreation on the Kenai River is overwhelmingly oriented towards sport fishing and boating, yet there are other activities and opportunities, which become apparent on close examination and evaluation. These opportunities will affect the division's recommendations for various park units.

In the lower river stretch, from river mile 0 at Cook Inlet to mile 12, the river gradient lessens and water velocity slows considerably. The river undergoes a dramatic change from the well-defined and often steep-banked channel found upstream to a slow, meandering channel which waves to and fro within a wide, flat wetland. These wetlands host significant populations of

Figure 22. SELECTED AGENCIES HAVING RESPONSIBILITIES ALONG THE KENAI RIVER

		RESPONSIBILITY/AREA OF EXPERTISE														
		Recreation	Land Management	Coastal Management	Solid Waste Management	Land Use Planning	Public Safety	Commercial Fishing	Sport Fishing	Wildlife Habitat Protection	Wetlands Development	Water Quality Protection	Law Enforcement	Public Works Projects	Natural Resources Research	Natural Resources Development
FEDERAL AGENCIES	U.S. FOREST SERVICE	●														
	SOIL CONSERVATION SERVICE		●													
	NATIONAL MARINE FISHERIES SERVICE															
	ARMY CORPS OF ENGINEERS															
	ENVIRONMENTAL PROTECTION AGENCY				●	○	●							○	●	●
	BUREAU OF LAND MANAGEMENT	●	●			●				●	●				●	●
	U.S. FISH AND WILDLIFE SERVICE	●	●			●				●		●			●	●
	U.S. GEOLOGICAL SURVEY														●	
U.S. COAST GUARD												●				
STATE AGENCIES	DEPT. OF COMMUNITY AND REGIONAL AFFAIRS			●		●										
	DEPT. OF ENVIRONMENTAL CONSERVATION				●											
	DEPT. OF FISH AND GAME	●	●			○									●	
	DEPT. OF NATURAL RESOURCES, LAND AND WATER	●	●			○										●
	DEPT. OF NATURAL RESOURCES, PARKS	●	●			●										
	DEPT. OF PUBLIC SAFETY						●						●			
LOCAL AGENCIES	DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES		●			●							●			
	KENAI PENINSULA BOROUGH	●	●	●	●	●							●			●
	CITY OF SOLDOTNA	●	●			●							●			
	CITY OF KENAI	●	●			●							●			

Source: Alaska Division of Parks

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HCR 31
 Title: River Commission
 Sponsor: House Resources
 Requestor: House Resources

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Justice/NRMEC
 BRU, Program of Subprogram(s) Affected: AST and FWP

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		33.1	35.1	37.2	39.4	41.8
200 TRAVEL						
300 CONTRACTUAL		.6	.6	.7	.7	.8
400 COMMODITIES		1.0	1.1	1.1	1.2	1.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		34.7	36.8	39.0	41.3	43.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		34.7	36.8	39.0	41.3	43.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
STAFF MONTHS		5.6	5.6	5.6	5.6	5.6

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{D.C.A.} Francis C. Allan / ^{JR} Capt. James Nutgrass Phone: 269-5691/269-5589
 Division: Alaska State Troopers / Fish & Wildlife Prot. Date: 4-22-83
 Approved by Commissioner: R. J. Sundberg ⁷ mmj/c Date: 4/22/83
 Department: Public Safety ¹¹

Distribution:

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3/8/83

ANALYSIS

The Division of Alaska State Troopers and Fish and Wildlife Protection have examined the "Final Statement Of Findings" of the Kenai River Task Force dated March 1983. This report recommends the following for the Department of Public Safety on page 31 of the report:

"Increase public safety patrols. Specifically, three new patrol officer positions should be created and funded; and they should be assigned to the (Kenai) River full time during June and July. Increased enforcement patrols could substantially reduce the conflicts."

While we would like to meet the recommendation of the Task Force, it is impractical to employ two full time officers all year and only work them on the Kenai River for two months. We believe that we can more economically provide a similar amount of coverage by receiving funding for additional overtime for our current staff plus some operating costs for the boats already available. These costs are summarized as follows:

	<u>FWP</u>	<u>AST</u>	<u>DPS TOTAL</u>
<u>Personal Services</u> - 500 hrs. overtime for FWP & 400 for AST @ - 76D	14,500	11,540	26,040
Benefits @ .2721	3,945	3,140	7,085
Subtotal	<u>18,445</u>	<u>14,680</u>	<u>33,125</u>
<u>Contractual</u> - Additional repair on boats/motors due to increased use	600		600
<u>Commodities</u> - Fuel, oil etc to operate current equipment	<u>1,000</u>		<u>1,000</u>
TOTAL	<u>20,445</u>	<u>14,680</u>	<u>34,725</u>

It should be noted that this fiscal note is submitted with the assumption that the River Commission will be issuing a minimum number of orders or regulations that would require direct law enforcement personnel involvement to assure that these requirements are followed. Should this not prove to be a correct assumption a substantially more sizeable fiscal impact would be required.

NOTE: 6% inflation factor has been calculated on all costs after FY'84.

Suggested amendment to proposed Resources Committee
Resolution Regarding the Kenai River

On page 1, line 24:

Delete the word "commercial"

(3) identify areas of overlapping or conflicting jurisdiction among State and Federal agencies that have jurisdiction over the Kenai River;

(4) identify problem areas of the Kenai River over which no agency has jurisdiction;

(5) publish a list of priorities for the uses of the Kenai River;

(6) recommend, in a coordinated and comprehensive manner, regulations to be adopted or actions to be taken by State and Federal agencies to address the problems of the Kenai River; and

(7) report the findings and recommendations to the second session of the thirteenth Alaska State Legislature; and be it

~~FURTHER RESOLVED that the Department of Public Safety and Fish and Game shall be requested to adopt regulations, including emergency regulations, to correct the immediate problems existing on the Kenai River.~~

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IN THE HOUSE

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - FIRST SESSION

Relating to the Kenai River.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:


WHEREAS the legislature finds that the Kenai River is an important natural resource and that it must be protected and preserved for the maximum benefit of all Alaskans; and

WHEREAS the vitality of the Kenai River is threatened. Power boat wakes and streambank development have contributed to the erosion of river banks and degradation of fish beds. Increased user traffic on the river endangers fish and wildlife habitats. Competition among sportfishers, professional guides, and persons who use the river for recreation and transportation creates overcrowded, hazardous and unpleasant conditions; and

WHEREAS a multitude of State and Federal agencies with jurisdiction over various aspects of the Kenai River have created a labyrinth of regulations without effectively preventing the deterioration of the river; and

WHEREAS a need exists for an interagency effort to take a comprehensive look at the problems of the Kenai River, to recommend a coordinated approach to solving those problems, and to take emergency action where necessary to deal with the most immediate problems of the river; and

BE IT RESOLVED that the Alaska State Legislature respectfully requests the Governor to organize through his office representatives from the Departments of Environmental Conservation, Fish and Game, Natural Resources, and Public Safety who shall:

- (1) solicit and consider information from Federal agencies, local governments, industries, landowners, persons engaged in  fishing and others who have an interest in the Kenai River;
- (2) make a comprehensive study of State and Federal laws affecting the Kenai River, users of the river, land adjacent to the river, and fish and wildlife resources dependent on the river;

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(3) identify areas of overlapping or conflicting jurisdiction among State and Federal agencies that have jurisdiction over the Kenai River;

(4) identify problem areas of the Kenai River over which no agency has jurisdiction;

(5) publish a list of priorities for the uses of the Kenai River;

(6) recommend, in a coordinated and comprehensive manner, regulations to be adopted or actions to be taken by State and Federal agencies to address the problems of the Kenai River; and

(7) report the findings and recommendations to the second session of the thirteenth Alaska State Legislature; and be it

FURTHER RESOLVED that the Department of Public Safety shall be requested to adopt regulations, including emergency regulations, ^{correcting} ~~addressing~~ the immediate ~~safety~~ problem, resulting from heavy power boat traffic on the Kenai River.

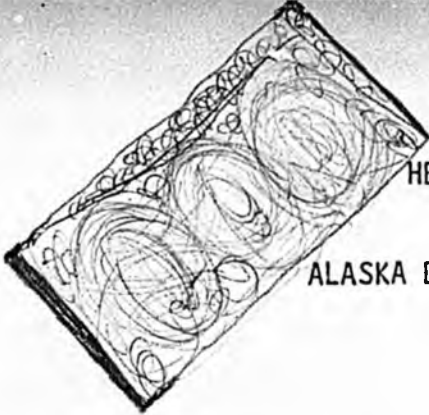
Preliminary Statement of Fiscal Impact

CSHB 278

Based upon the best available knowledge of the costs of existing boards and commissions, it is estimated that establishing the Kenai River Commission, as described in CS HB 278 will cost:

Executive director.....	\$ 63,700
3 Staff people.....	72,500
Travel & Per Diem.....	150,000
Supplies, contractual, etc.....	26,000
	<hr/>
Total.....	\$212,200

These figures are estimates given by Mike Nizich of the Governor's office, and assume that the commission would hold five or six meetings, as well as two public hearings.



HB 278 - RELATING TO ESTABLISHING A
ALASKA RIVER COMMISSION

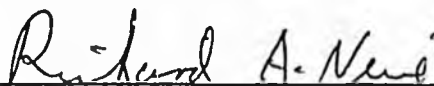
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
POSITION PAPER

BEFORE THE HOUSE RESOURCES
March 31, 1983

This department has no objection to proposed legislation to establish a Alaska River Commission, based upon the following reasoning:

- 1) A need does exist for an interagency body to take a comprehensive look at the multitude of State and Federal agencies with jurisdiction over various aspects of Alaska rivers.
- 2) A need does exist to create a coordinated approach to preserve the vitality of Alaska rivers.

The department supports amendment of the bill to include the phrase "economic enhancement" between the words "for recreation" in line 16 of Section 1. FINDINGS. The use of Alaska rivers for economic enhancement has an impact which creates conditions similar to those identified with recreation and transportation. Legislative recognition of this fact will help to simplify the work of the Commission.



Richard A. Neve
Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

Bill/Resolution No.: HB 278
 Title: Alaska River Commission
 Sponsor: Fritz, Malone, Szymanski, Busse
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: DEC
 Program Category Affected: WPC
 BRU, Program of Subprogram(s) Affected: EOM

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-0-	0.6	0.6	0.6	0.6	0.6
200 TRAVEL	-0-	1.2	1.2	1.2	1.2	1.2
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		1.8	1.8	1.8	1.8	1.8
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		1.8	1.8	1.8	1.8	1.8
OTHER (Specify Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funding necessary to provide salary and transportation to meetings of the Commission will be taken out of the State's Clean Water Act Section 106 Water Pollution Grant.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Alex Viteri
 Division: Environmental Quality Management

Phone: 465-2653
 Date: _____

Approved by Commissioner: Richard A. Nevo
 Department: Environmental Conservation

Date: 3/29/83

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Preliminary Statement of Fiscal Impact

CSHB 278

Based upon the best available knowledge of the costs of existing boards and commissions, it is estimated that establishing the Kenai River Commission, as described in CS HB 278 will cost:

Executive director.....	\$ 63,700
3 Staff people.....	72,500
Travel & Per Diem.....	150,000
Supplies, contractual, etc.....	26,000
	<hr/>
Total.....	\$312,200

These figures are estimates given by Mike Nizich of the Governor's office, and assume that the commission would hold five or six meetings, as well as two public hearings.

STATE OF ALASKA
THE LEGISLATURE

MAR 30 RECD

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 455-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1983

SUBJECT: Kenai River Commission
(CSHB 278 (Resources))

TO: Representative Milo Fritz
Chairman, House Health, Education
and Social Services Committee

FROM: Edward H. Hein *EH*
Legislative Counsel

HB 278

Section 2 of the bill:

Sec. 44.19.200. This section establishes the Kenai River Commission in the Office of the Governor. Seven members are appointed by the governor, representing four state departments with jurisdiction over or concerns and expertise related to the Kenai River. Also represented among the seven members are the environmental lobby, industries using the Kenai River resources (e.g. utilities supplying hydro-electric power, barges, private ferries and tour boats, professional guides, commercial fishermen, logging), and sport fishermen and recreational boaters. The governor is also authorized to appoint nine non-voting ex officio members representing nine federal agencies with jurisdiction over or concerns and expertise related to the Kenai River. The composition of the commission is an attempt to balance the need to have all interested parties represented versus the need to limit the size of the commission to a reasonable number of members so that they can function efficiently.

Subsection (d) of Sec. 44.19.204 requires that local interests be given the opportunity to contribute to the commission's decision-making process.

Sec. 44.19.201. This section provides that commission members serve during the term of the governor who appointed them. The rationale for this is that the commission is an interdepartmental body whose membership should change when a new governor takes office and appoints new cabinet members.

Representative Milo Fritz

Page 2

March 29, 1983

This arrangement should foster coordination and cooperation among commission members, which is critical to the success of the commission. Of course, a member serves at the pleasure of the governor and may be replaced during the governor's term. A member may continue to serve on the commission after the member's term expires until a successor is appointed.

Sec. 44.19.202. Because most commission members are government employees, they will not receive a salary for service on the commission. However, per diem and travel expenses are provided as for other commissions and boards.

Sec. 44.19.203. The commission may meet as often as necessary.

Sec. 44.19.204. The commission is charged with six specific duties:

(1) study state and federal laws affecting the Kenai River;

(2) identify the areas of overlapping or conflicting jurisdiction among government agencies that deal with the Kenai River;

(3) identify the problem areas of the Kenai River no agency has jurisdiction to deal with;

(4) publish a list of priorities for the use of the Kenai River;

(5) recommend regulations to be adopted or actions to be taken by state and federal agencies to address the problems of the Kenai River; and

(6) adopt regulations, including emergency regulations, to deal with problems of the Kenai River which no other agency has jurisdiction.

Sec. 44.19.205. This section provides for an executive director and staff to perform the administrative duties of the commission.

Sec. 44.19.206. The commission is required to submit an annual report to the legislature and the governor, which may

Representative Milo Fritz
Page 3
March 29, 1983

include recommendations for legislation and reorganization of state agency functions dealing with the Kenai River.

Sec. 44.19.207. The Department of Public Safety and any other enforcement officers designated by the commission are charged with enforcing commission regulations.

Section 3 of the bill:

This section amends AS 44.66.010 to bring the commission under the sunset provisions. The commission would terminate June 30, 1985, and would then have another year to wind up its business if not extended by the legislature. Legislative review under AS 44.66.050 would occur during the 1985 session.

EHH:ljb
12/031