

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2866 SRES SB 417

2/22

FACT SHEET
KENAI RIVER SPECIAL MANAGEMENT AREA

2/6/84

WHO WILL GAIN FROM THE CREATION OF A KENAI RIVER SPECIAL MANAGEMENT AREA?

The hundreds of thousands of recreationists who visit the river annually to fish, camp, hike, go boating or just enjoy the scenery, and those who hope to do so in the future.

WHY IS A SPECIAL MANAGEMENT AREA NEEDED?

The area proposed for special management is an exceptionally important natural resource that is being threatened by heavy use of the river itself and uncoordinated development along the river bank.

- It contains the most productive King Salmon stream in Alaska and is an important habitat for other salmon and freshwater fish and numerous species of wildlife.
- It is an increasingly popular recreational area for sportfishing and other activities. There are 198 guides registered to operate on the river.
- Power boat wakes and stream bank development have contributed to the erosion of the river's banks and the degradation of Salmon beds and other fish and wildlife habitat.
- Competition among the people who use the river for recreation and transportation creates over-crowded, hazardous, and unpleasant conditions. Conflicts among recreationists are common.
- The present system of management, which gives a number of State and federal agencies jurisdiction over various aspects of the river and adjacent public and private land, has failed to effectively prevent the deterioration of the river.
- In the past several years, State action to protect the river has been urged by private citizens, two task forces, and a legislative initiative.

WHAT DOES THE LEGISLATION PROPOSE AS SOLUTIONS TO THESE PROBLEMS?

It calls for the establishment of a special management unit that extends about 100 miles from the southeast end of Kenai Lake to the mouth of the Kenai River at the City of Kenai. The management area will incorporate the Kenai and Skilak lakes, the upper and lower Kenai River, 11 existing State Park units, and about 1,000 additional acres of State-owned land abutting the river. The Commissioner of Natural Resources is authorized to add other State-owned or acquired acreage to the management area if needed to protect and preserve the river's resources.

It institutes coordinated regulation, management and maintenance of the management area under the jurisdiction of the State Department of Natural Resources.

It designates as highest priority for the management area the production and use of the Kenai River fishery and wildlife resources. Fisheries management and research will continue to be the responsibility of the Board of Fish and the State Department of Fish and Game.

It requires the development of a comprehensive management plan for the river and the adjacent land within one-quarter mile of the river, whether public or private land, within two years, and allows the Commissioner of Natural Resources to review and disapprove local planning, platting, and zoning measures within the planning area. The plan, which will be coordinated by the Department of Natural Resources in cooperation with local, State and federal authorities, will (among other things):

- designate incompatible uses and prohibit or restrict them, and
- establish a registration, licensing or comparable procedure for professional fishing guides and other additional fishing guide controls as necessary.

It also requires that the Department of Natural Resources adopt regulations to implement the comprehensive plan, and gives the Commissioner of Natural Resources the authority to apply other relevant State regulations to the area until the comprehensive plan is completed.

It authorizes the Commissioner of Natural Resources to enter into cooperative agreements with federal agencies, municipalities, or private landowners to carry out the purposes of the act.

FOR ADDITIONAL INFORMATION, call Dave Stephens at 265-4508 in Anchorage or Barbara Butts at 465-2400 in Juneau.

NOT
IN C.S.

acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

Special Purpose Sites

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Leases

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

Sales and Grants

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

Public Notice

SECTION 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

Mineral Rights

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those miner-

Mineral and Perm

Water Ri

City of Soldotna

BOX 409

PHONE 262-9107

SOLDOTNA, ALASKA 99669

FEB 24 1984



CITY OF OPPORTUNITY

February 21, 1984

The Honorable John Ringstad
Co-Chairman, House Resources Committee
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Representative Ringstad:

The City Council of the City of Soldotna reviewed Senate Bill No. 417, "An Act establishing the Kenai River Special Management Area; and providing for an effective date" at its last council meeting, February 17, 1984.

The City agrees that a single state agency, a coordinated management, as proposed by the bill, is a most reasonable and sensible step to take, due to the multitude of regulatory agencies and the diversity of problems. The City can readily agree with the premise that the fishery, wildlife and scenic values of the Kenai River must be protected for the maximum benefit of all Alaskans. But, we do not agree that the bill should be enacted in its present form. Modifications need to be made.

We do not concur with lines 21 to 27, page 7. Section 41.21.506 Comprehensive Management Plan; Regulations of SB 417. A distance of one-quarter mile upland for privately owned property is excessive. We feel that 100 feet along the Kenai River would provide all the protection necessary for the purposes of the act. Any development that may be considered within the 100 foot distance should require the approval of the Commissioner to assure that no degradation of the Kenai River would occur.

Were one to measure a one-quarter mile distance upland along the Kenai River the distance would encompass the Sterling Highway and parts of Kalifornsky Beach Road and Funny River Road. It would also embrace hotels, restaurants, gas stations and many small businesses on both sides of the Sterling Highway that are the heart of the Soldotna business district.

Section 41.21.508, Additional Land, should have assurance that no private property will be obtained through eminent domain for the purpose of this Act.

Sincerely,

Justin G. Maile

Justin G. Maile
Mayor

City Council Members:

Carol P. Bailey

Carol P. Bailey

Dolly M. Farnsworth

Dolly M. Farnsworth

Vernon W. Gehrke

Vernon W. Gehrke

Out of State

Floyd E. Heimbuch

Peter E. Larson

Peter E. Larson

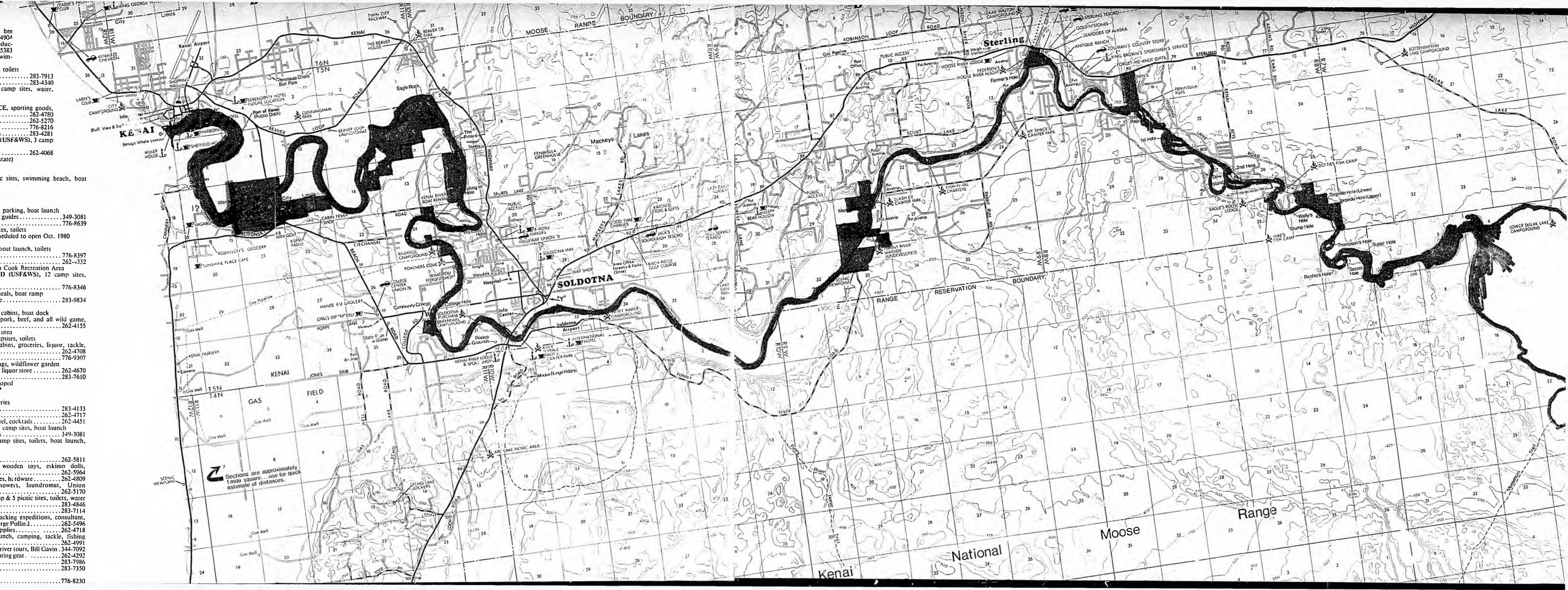
M. Scott McLane

M. Scott McLane

FACILITIES INDEX

- ALASKA BEE SUPPLY, honey, gifts, bee supplies, pollinator services 262-4904
- ANTIQUE RANCH, gifts, antiques, reproductions 262-5383
- ARC LAKE PICNIC AREA, boat launch, swimming, camping
- BEAVER CREEK PARK (city), picnic area, toilets
- THE BEAVER HOUSE, gifts, museum 283-7913
- BEAVER LOOP LAUNDROMAT 283-4340
- BERNICE LAKE WAYSIDE (state), 11 camp sites, water, toilets, boat launch, swimming
- BING BROWN'S LANDING, boat launch
- BING BROWN'S SPORTSMEN'S SERVICE, sporting goods, motel, showers, dump station, laundry 262-4780
- BIRCH RIDGE GOLF COURSE 262-5270
- BISHOP CREEK BAR, liquor store 776-8216
- BLUE GROUSE DRIVE INN, lunch, dinners 283-4281
- BOTTENHINTNIN LAKE CAMPGROUND (USF&WS), 3 camp sites, toilets, boat launch
- CABIN FEVER SHOP, art and craft supplies 262-4068
- CAPTAIN COOK RECREATION AREA (state)
- DISCOVERY CAMPGROUND, 57 sites
- PICNIC AREA, 28 sites
- STORMY LAKE, 10 camp sites, 40 picnic sites, swimming beach, boat launch, shelter
- BISHOP CREEK, 15 tent sites
- All facilities have toilets and drinking water.
- CEK IN ARK LODGE, restaurant, bar
- CENTENNIAL LAKE PICNIC WAYSIDE, parking, boat launch
- CHINOOK CHARTERS, Kenai River fishing guides 349-3081
- CHUUK WAGEN, cafe 776-8639
- CITY CAMPGROUND (Kenai), 30 camp sites, toilets
- COHOE BEACH WAYSIDE (proposed) scheduled to open Oct. 1980
- COLLEGE CENTER UNION 76
- CUNNINGHAM PARK (city), picnic sites, boat launch, toilets
- D J'S LUNCHROOM 776-8397
- DE CANTER INN, cafe, bar, liquor store 262-4332
- DISCOVERY CAMPGROUND, see Captain Cook Recreation Area
- DOLLY VARDEN LAKE CAMPGROUND (USF&WS), 12 camp sites, water, toilets, boat ramp
- DON'S LAMPLIGHT CHEVRON 776-8346
- DOTTIE'S FISH CAMP, campers, cabins, meals, boat ramp
- EAGLES FRONTIER CLUB, bar, liquor store 283-9834
- EAGLE ROCK, boat launching, camping
- EAGLE'S ROOST LODGE, by reservation, cabins, boat dock
- ECHO LAKE LOCKERS, processing fish, pork, beef, and all wild game, sausage 262-4155
- EGUMEN LAKE WAYSIDE, large parking area
- FISH LAKE CAMPSITE (USF&WS), 3 campsites, toilets
- FISH-N-PAL CHARTERS, camper sites, cabins, groceries, liquor, tackle, Jack L. Stafford 262-4708
- 4 LANDS BAR, liquor store, motel 776-9307
- FORGET-ME-KNOT GIFTS, jewelry, carvings, wildflower garden
- 4-ROYLE PARKERS, motel, restaurant, bar, liquor store 262-4670
- FRONTIER UNION, and car wash 283-7610
- FUNNY RIVER WAYSIDE (state), Undeveloped
- GOLD'N STONES JADE and ROCK SHOP
- GOOD TIME CHARLIES, bar
- HANDE 4 U GROCERY, convenience groceries
- HARBOR VIEW HOTEL, restaurant, bar 283-4133
- ICY SEA, seafood - wholesale, retail 262-4717
- INTERNATIONAL HOTEL, restaurant, motel, cocktails 262-4451
- IZAAK WALTON CAMPGROUND (state), camp sites, boat launch
- J & B CHARTERS, Kenai River fishing guides 349-3081
- JOHNSON LAKE WAYSIDE (state), 20 camp sites, toilets, boat launch, swimming
- K B MINI GOLF
- KSRM RADIO STATION, 920khz 262-5811
- KAREN'S TOYS & GIFTS, stuffed & wooden toys, eskimo dolls, paintings 262-5964
- KASILOF GENERAL STORE, P.O., groceries, hardware 262-4809
- KASILOF RIVERVIEW, restaurant, showers, laundromat, Union 76 262-5170
- KASILOF RIVER WAYSIDE (state), 10 camp & 3 picnic sites, toilets, water
- KATMAI MOTEL, restaurant, bar 283-4846
- KENAI DRUG STORE 283-7114
- KENAI GUIDE SERVICE, hunting, backpacking expeditions, consultant, trip planning, best routes, transportation, George Pollar J. 262-5496
- KENAI NURSERY, plants, shrubs, garden supplies 262-4718
- KENAI RIVER BOAT RENTAL, boat launch, camping, tackle, fishing guides 262-4991
- KENAI RIVER CHARTERS, sport fishing & river tours, Bill Gavin 344-7092
- KENAI RIVER LODGE, motel, fishing & hunting gear 262-4292
- KENAITZ CHEVRON, diesel, propane 283-7986
- KING GEORGE HOTEL, restaurant, bar 283-7350
- LAKESIDE DRIVING RANGE
- LAMPLIGHT BAR, liquor store 776-8230

Sections are approximately 1 mile square... use for quick estimate of distances.



Suggested by: Mayor Tom Wagoner

CITY OF KENAI

RESOLUTION NO. 84-31

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, URGING THE 13TH ALASKA STATE LEGISLATURE TO ADOPT CSSB 417 WHICH IS DESIGNED TO REMEDY MANY OF THE PROBLEMS THAT PRESENTLY EXIST IN CONNECTION WITH THE KENAI RIVER.

WHEREAS, one of the Governor's top priorities is to find a solution to the many problems that have evolved because of the increased pressure on the Kenai River system by sports and commercial fishing, and

WHEREAS, the Governor wishes to solve these problems in a manner which will be beneficial both to the State of Alaska, it's citizens, and our major renewable resource, the fishing industry, and

WHEREAS, CSSB 417 has eliminated most of the objectionable sections of Senate Bill 417 by not usurping local government's powers and by eliminating the section that would have permitted the State Department of Natural Resources confiscatory powers over local citizens' property rights, and

WHEREAS, CSSB 417 seems to be a logical approach to the preservation of one of Alaska's natural beauties, sources of income, and natural resources, and

WHEREAS, the City Council of the City of Kenai is anxious to cooperate and address an existing problem in cooperation with other governmental agencies that will ultimately be beneficial both to Alaska and her citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, does hereby respectfully request the 13th Alaska State Legislature to adopt CSSB 417 as a means by which all Alaskans, Alaska's beauty, and Alaska's natural resources may be preserved for future generations.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 417
 Title: "An act relating to Kenai River Special Management Area."
 Sponsor: Sen. Rules/Request by
 Requestor: Sen. Res. Governor
 Date of Request: 2-9-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Admin. of Justice/Natural Resources
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers / Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

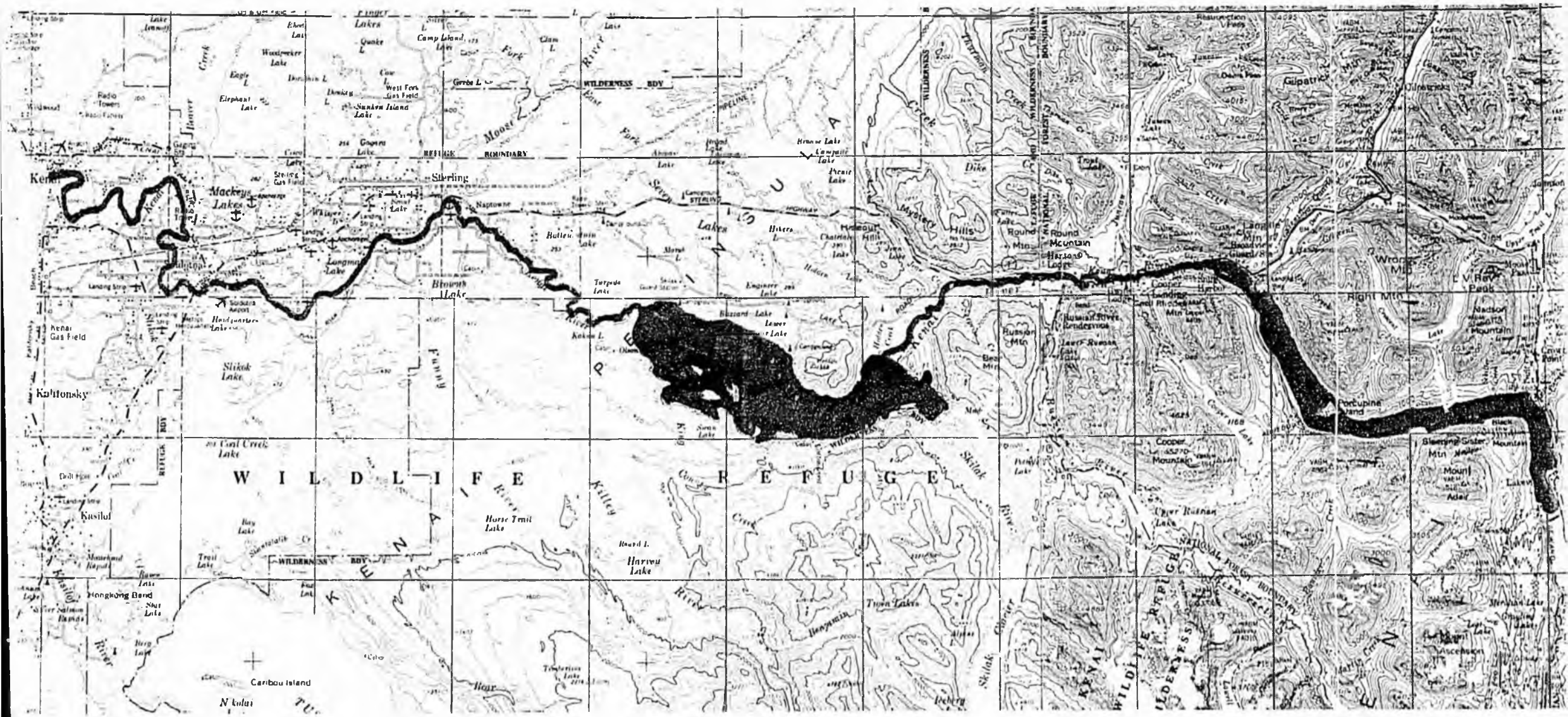
Prepared By: Francis C. Allan/Captain W. Fleek Phone: 269-5691
 Division: AK State Troopers/Fish & Wildlife Prot. Date: 02/06/84

Approved by Commissioner: Robert J. Sundberg Date: 2/6/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FEB 13 1984 12/1/83





Official Business

Alaska State Legislature

Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

Pouch V
State Capitol
Juneau, Alaska 99811

March 15, 1984

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SB 417 and proposed CS for SB 417

The subcommittee has taken testimony and reports SB 417 back to the committee as a whole with the following recommendations.

Members	Recommendation
Senator Mulcahy	No Pass
Senator Eliason	u a
Senator Gilman	No Pass

Letter of Intent
for CS SB 417(Resources)

It is the intent of the Legislature that the management plan described in AS 41.21.506 be developed jointly by the Commissioner of Natural Resources and the Kenai Peninsula Borough.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

March 21, 1984
3:16 pm

Senate Finance
Fifth floor, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chairman
Senator Paul Fischer
Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski
Senator Gilman (Subcommittee on Fisheries)

CALENDAR

SB 297, An Act establishing the land clearing account in the agricultural revolving loan fund; and providing for an effective date.

SB 298, An Act making a continuing appropriation of repayments of the principal and interest on loans made by the Alaska Agricultural Action Council for land clearing to the land clearing account in the agricultural revolving loan fund; and providing for an effective date.

SB 417, An Act establishing the Kenai River Special Management Area.

SB 417

Esther Wunnicke, Commissioner, Department of Natural Resources, explained that this bill is the result of recommendations made by the Kenai River Task Force and Legislative Resolve #26, and is supported by the Department as an important step in solving the problems on the Kenai River.

Neil Johannsen, Director, Division of Parks, Department of Natural Resources, explained that the Committee Substitute is the result of meetings with interest groups, property owners, the Kenai Peninsula Borough, and the Kenai legislative delegation. It attempts to solve the problems of conflicting user groups and consolidates management of the area under the Division of Parks.

Senator Mulcahy moved to adopt CS SB 417. There was no objection.

Senator Gilman reviewed the testimony given at the Subcommittee on Fisheries hearings held in Kenai on March 2nd and in Anchorage on March 3rd. He introduced a proposed letter of intent clarifying how the management plan would be developed.

Thomas Boedeker, Attorney for the Kenai Peninsula Borough, spoke in support of the bill as it allows for significant local input.

Bob Sizemore, Alaska Environmental Lobby, Kenai, spoke in support of the bill, but urged more efforts be made to control bank erosion and pesticide use, and to provide for more public involvement.

Senator Mulcahy moved to adopt the letter of intent for CS SB 417 and to move CS SB 417 from committee with individual recommendations. There was no objection.

SB 297
SB 298

Senator Moss introduced members of the Delta II Agricultural Project delegation and explained that legislation is being drafted that would support successful farmers by granting a delay in land payments to those with crops in production.

Charles Trowbridge, Delta II farmer, testified that the farmers are just asking for some "breathing room" on their land payments, and feel they will be successful without further state financing. He discussed their progress in marketing grain in-state.

Dick Jensen, Delta II farmer, felt that many loans had been made to inexperienced farmers.

Sharon Barton, Special Assistant to the Commissioner of Natural Resources, spoke in support of SB 297 and SB 298.

Senator Paul Fischer moved SB 297 and SB 298 from committee with individual recommendations. There was no objection.

The meeting adjourned at 4:14 pm.



20417

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 7, 1984

The Honorable Jalmar Kerttula
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the management of the Kenai River. The bill addresses the problems on the river as pointed out by (1) the Kenai River Task Force; (2) the interagency task force composed of the Office of Management and Budget, and the Departments of Natural Resources, Fish and Game, Public Safety, and Environmental Conservation; and (3) 1983 Legislative Resolve No. 26.

Section 1 of the bill restates the findings of 1983 Legislative Resolve No. 26, and adds the two task forces' finding that the highest priority resources of the Kenai River are its fishery and wildlife.

Section 2 contains the body of the bill. It first states the purposes of the bill. It then adds new provisions to AS 41.21 which are intended to do three things. First, new AS 41.21.502 creates the Kenai River Special Management Area, composed of state-owned land and water from the Kenai River's confluence with Cook Inlet upstream to and including the Kenai and Skilak Lakes. Included within the described area is state land already managed by the division of parks and outdoor recreation, of the Department of Natural Resources, and additional, adjacent state land either already owned or selected and soon to be in state ownership.

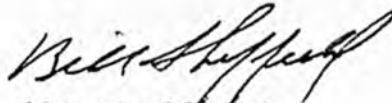
Second, new AS 41.21.504(a) assigns the Area's interim and long-term management and regulatory control to the Department of Natural Resources, with the intent that through cooperative management agreements with other local, state, and federal agencies that department will bring sensible, coordinated management to the Kenai River and its resources. It is anticipated that this function will be administered by the division of parks and outdoor recreation. New AS 41.21.504(b) ensures that the Department of Fish and Game, the Boards of Fisheries and Game, the Department of Environmental Conservation, and other state agencies, as well as municipalities, will retain their respective management, regulatory, and enforcement responsibilities. Cooperative agreements under new AS 41.21.512 will provide appropriate coordination.

Third, under new AS 41.21.506(a) and (b), the commissioner of the Department of Natural Resources is directed to develop and adopt within two years a long-range comprehensive management plan for the Kenai River Special Management Area, the shoreland of the Kenai River up to one-quarter mile on each side, and any additional public and private land that is crucial to the overall purposes of the bill. The commissioner is directed to use the department's regulatory authority to protect the river corridor and to implement the plan. New regulations must identify and control incompatible uses, and deal with the increasing difficulties associated with a proliferation of professional fishing guides on the Kenai River. Regulations adopted to implement the plan may, on private land, regulate activities that are inconsistent with the purposes of the bill or the plan. During the period of the development and implementation of the plan, it is hoped that the affected local governments will adequately exercise their planning, platting, and zoning powers granted in AS 29 so that the commissioner's regulatory power over private land-use activities need not be used. To that end, in developing and implementing the plan the commissioner is directed, in new AS 41.21.510, to appoint an advisory board and to continuously consult with relevant federal, state, and local government agencies, and with private interest groups and individuals. The commissioner is further authorized, under new AS 41.21.512, to enter into cooperative agreements not only with other government agencies but also with private landowners in order to simplify sound management of the Kenai River.

Section 3 of the bill explicitly provides the commissioner with authority to seek, through the attorney general's office, civil enforcement of regulations adopted under AS 41.21.500 -- 41.21.512, regarding the Kenai River Special Management Area, and other regulations applied to the Area.

Given the increasing problems and conflicts on the Kenai River, I urge your prompt action on this measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

SB 417

SB 417 - AN ACT ESTABLISHING THE KENAI RIVER SPECIAL MANAGEMENT AREA:
AND PROVIDING FOR AN EFFECTIVE DATE.

HOUSE CONCURRENT RESOLUTION 31, PASSED IN 1983, ESTABLISHED AN
INTERAGENCY TASK FORCE TO ADDRESS THE PROBLEMS ON THE KENAI RIVER.

SENATE BILL 417 IS THE RESULT OF THE GROUP'S RECOMMENDATION THAT A
PORTION OF THE KENAI RIVER (FROM COOK INLET TO KENAI LAKE) BE
LEGISLATIVELY DESIGNATED AS A "SPECIAL USE AREA".

THE RESOURCE COMMITTEE SUBSTITUTE WAS PREPARED AS A RESULT OF EXTENSIVE
HEARINGS HELD IN KENAI AND ANCHORAGE BY THE RESOURCES SUBCOMMITTEE ON
FISHERIES.

*THE SPECIAL MANAGEMENT AREA IS COMPOSED OF STATE-OWNED LAND AND WATER.

*THEY'VE ESTABLISHED THAT THE THE 2 HIGHEST PRIORITIES ARE FISHERY AND
WILDLIFE.

*THE LAND IS CLOSED TO MINERAL LEASING EXCEPT FOR OIL AND GAS.

*DNR HAS PRIMARY MANAGEMENT RESPONSIBILITY. HOWEVER, IT IS IMPORTANT TO
NOTE THAT THIS WILL NOT AFFECT THE DEPARTMENT OF FISH AND GAME AND THE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S REGULATORY AUTHORITY.

*THE PLAN WILL BE DEVELOPED IN CONSULTATION WITH THE KENAI BOROUGH

*DNR MUST ADOPT REGULATION TO DESIGNATE INCOMPATIBLE USES AND TO
ESTABLISH A REGISTRATIO PROCEDURE FOR PROFESSIONAL FISHING GUIDES.

*THERE IS A LETTER OF INTENT TO BE MOVED WITH THE BILL.

DEPARTMENT OF PUBLIC SAFETY

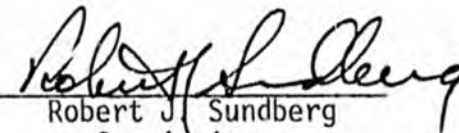
POSITION PAPER - SB 417

Support

February 6, 1984

SB 417 - "An Act establishing the Kenai River Special Management Area; and providing for an effective date."

The creation of the Kenai River Special Management Area will require law enforcement efforts implementing the regulations developed by Department of Fish and Game and Department of Natural Resources to protect the resources within the area. Regulations have not yet been drafted, thus the impact on Alaska State Troopers and Fish and Wildlife Protection is not yet known but it is expected to be minimal.


Robert J. Sundberg
Commissioner

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
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(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MAJOR PROVISIONS OF SB 417

SB 417

States the finding of the two task forces that the highest priority resources of the Kenai River are its fishery and wildlife.

Closes lands in the Special Use Area to multiple purpose use.

Closes lands to mineral entry.

Gives DNR primary management responsibility.

Management plan must be developed and adopted within two years.

Includes lands to a distance of 1/4 mile upland on each side of the river.

DNR must adopt regulations to designate incompatible uses and to establish a registration procedure for professional fishing guides.

Gives DNR "veto power" over local planning and zoning activities to assure consistency with the Special Use Area.

Additional land may be acquired through any lawful means.

In developing the management plan, DNR will consult with an advisory board and hold public hearings.

Committee Substitute

Same as original bill.

Lands remain open to multiple purpose use.

Closes except for oil and gas leasing.

Same as original bill.

Specifies that plan must be developed in consultation with Kenai Peninsula Borough.

Adjacent land may be included.

Same as original bill.

This provision is removed. Clarifies that regulations adopted apply only to state-owned land.

Additional land may not be acquired through eminent domain.

A majority of the members of the advisory group must be residents of the Kenai Peninsula Borough.

(HCR 31)

Legislative Resolve 26 Kenai River Study Group
October 11, 1983 Meeting Summary

State agency representatives that have been designated to address the issues identified in Legislative Resolve 26 (e.g., see distribution) met in Anchorage on October 11, 1983. The purpose of the meeting was to discuss the various problems that exist on the Kenai River, review the previous recommendations of the Kenai River Task Force, assign tasks among the study group and develop a strategy for implementing Legislative Resolve 26 (LR 26).

In reviewing each of the issues identified in LR 26, the "LR 26 study group" discussed the importance of each issue and the amount of effort that would be necessary to adequately address each one. With regard to each of the seven issues identified in LR 26, the following is a summary of the discussion and recommendations that were made:

LR 26 Issue (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.

The Kenai River Task Force, during its' six months of existence, sufficiently addressed the need to solicit and consider information from government agencies or the public sector. The Task Force received written comments from nearly 400 individuals or agencies and had a total of 392 persons sign in for at least one of several public meetings that were conducted in the Kenai area. Furthermore, over 200 petition signatures, favoring various positions or recommendations of the Task Force, were also submitted. As stated in the Executive Summary of the Final Kenai River Task Force Report, "the work of the Task Force was in every sense of the word a truly public process from beginning to end."

In addition to the extensive involvement of the public by the Kenai River Task Force, the State also conducted several public opinion surveys and a series of public meetings to gather comments and information for consideration during preparation of the Kenai River State Park Units Master Plan.

Conclusion: Sufficient public involvement regarding identification of issues, information, and recommendations from the public section has already occurred. Therefore, the "study group" did not feel that it was necessary to spend additional time addressing this issue. It will likely be necessary to consult with the public section once specific recommendations have been developed.

LR 26 Issue (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.

The Kenai River State Park Units Master Plan summarizes the various State and Federal agencies having responsibility for the Kenai River. The Master Plan also discusses the public's overriding concern for the lack of any comprehensive management of the river. As described in both the Master Plan and the Kenai River Task Force Report, ~~approximately twenty agencies~~ ~~are responsible for managing the Kenai River and its resources.~~ Each of these agencies, their responsibilities or area of expertise and areas of overlapping or conflicting jurisdiction, are described in the Master Plan.

In an effort to inform the public of the primary State and Federal agencies having authority or jurisdiction on the Kenai River, and their respective responsibilities and mandates, a public information program should be developed and implemented. The comprehensive plan, mentioned under item (1) of LR 26 Issue (6), should address this issue.

Conclusion: A general review of State, Federal and local laws affecting the Kenai River and its users has already been completed as part of the Kenai River State Park Units Master Plan. However, a public information program should be implemented to inform local residents and users of the various State, Federal and local jurisdictions and policies for the Kenai River.

LR 26 Issue (3). Identify areas of overlapping or conflicting jurisdiction among State and Federal agencies that have jurisdiction over the Kenai River.

Refer to Issue (2) above.

LR 26 Issue (4). Identify Kenai River problems over which no agency has jurisdiction.

~~Another major public concern is the lack of comprehensive management of the Kenai River.~~ While various public agencies have specific responsibilities for protection of the Kenai River and its resources, none of these agencies exercise the necessary pre-planning, overall management, or coordination function. Thus, various land and water-use proposals and developments are evaluated as they occur and managed only from a very narrow perspective. Because many of these developments and activities have secondary or cumulative effects, the Kenai River has suffered from a lack of comprehensive management.

Conclusion: A major problem over which no agency has jurisdiction is the overall management of the Kenai River. Furthermore, State agencies have not been provided with established policies or criteria for management decisions relating to development and use of the River. A single State agency should assume the overall coordinating function and management of the river. This approach could eliminate or substantially reduce much of the habitat degradation and user-conflicts now being experienced due to separate site-specific or use-specific management.

LR 26 (5). Publish a list of priorities for the uses of the Kenai River.

Refer to Issue (6) below.

LR 26 Issue (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.

As a final product of their efforts, the Kenai River Task Force produced a Final Statement of Findings and a Summary of Recommendations. Having reviewed the recommendations contained in the final Task Force report, the "LR 26 study group" felt that they provided a good basis from which to consider and recommend possible solutions to the major problems facing the Kenai River. Therefore, the following recommendations and priorities were made only after careful consideration and examination of each of the issues and recommendations contained in the final Kenai River Task Force report.

- (1) ~~The State of Alaska should adopt legislation designating that portion of the Kenai River, from the mouth of Skilak Lake to Coe Inlet, as a "Special Use Area."~~ The legislation would require preparation and adoption of a comprehensive plan, describing management of the Kenai River Special Use area. The plan, developed cooperatively by State and local governments, would identify and address the following concerns or issues:
 - (a) ~~designation of a local agency or entity, such as the Division of Parks, to be responsible for managing and regulating the Kenai River Special Use area;~~
 - (b) ~~declare that the highest priority use of the Kenai River as being the production and use of its fishery and wildlife resources, with all other uses to be balanced against that declaration;~~

- (c) the extent and type of development that each segment of the Kenai River Special Use area could support;
- (d) procedures and policies for sound management, restoration, rehabilitation and regulation of the Kenai River and its adjacent critical habitats;
- (e) additional research or studies that may be necessary to support rational management decisions;
- (f) potential impacts of upstream development activities on the designated "Special Use Area;"
- (g) the lack of sufficient enforcement capabilities and the need for additional legal assistance in matters regarding permit violation and the enforcement of regulations designed to protect habitat and/or fish stocks;
- (h) the need for additional access to the Kenai River and other areas in an effort to distribute existing pressure and reduce conflicts between anglers and landowners;
- (i) the need for a public information and boating safety program in addition to increased public safety measures;
- (j) development of necessary cooperative agreements with State and Federal agencies and private landowners.

Conclusion: The State of Alaska should adopt legislation designating a portion of the Kenai River as a "Special Use Area." The legislation should require the preparation and adoption of a comprehensive management plan. The plan should be developed by the State, in cooperation with local governments, and should address issues (a) through (h) identified above.

{ The authority to establish fisheries regulations and make recommendations affecting the allocation of the Cook Inlet Salmon resource should continue to remain with the Alaska Board of Fisheries.

LR 26 Issue (7). Report the findings and recommendations to the Second Session of the Thirteenth Alaska State Legislature.

To be completed.



BING'S LANDING

PUBLIC SITE (NOW STATE PARK) FOR 25 YEARS +

APPROX. MILE 40 KENAI RIVER



PRIVATE PROPERTY - POSTED NO TRESPASSING

NOV 14, 1983

RIVER IS NORMALLY FROZEN

HONEYMOON COVE

MILE 13 KENAI RIVER



POSTED NO TRESSPASSING
PRIVATE PROPERTY

NOV 14, 1983

RIVER IS NORMALLY FROZEN

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MILE 13 KENAI RIVER



PRIVATE PROPERTY
POSTED NO TRESPASSING

NOV 14, 1983

RIVER IS NORMALLY FROZEN

HONEYMOON COVE

MILE 13 KENAI RIVER

Kenai River bill seen on way to quick approval

By RONNIE CHAPPELL
Daily News correspondent

KENAI — A bill designed to control rampant development and heavy boat traffic on the Kenai River has cleared the Senate Resources Committee on a unanimous vote and is now poised for quick legislative approval, State Parks Director Neil Johannsen said Thursday.

The approval came after state and local officials hammered out a compromise Wednesday that gives the Kenai Peninsula Borough an important role in drafting a comprehensive management plan for the river. Borough residents will comprise a majority of the advisory board appointed to help write the plan.

Regulations drafted for the management area would apply to the river and state owned land along its banks. Private property could be regulated if the borough incorporated the regulations in a local zoning ordinance.

An industrial (fish processing) area downstream of the Warren Ames Memorial Bridge in Kenai will be excluded from the proposed management area, and management area boundaries elsewhere on the river will be jointly determined by the borough and the state.

Finally, the compromise eliminates language that gave the Commissioner of Natural Resources the authority to control development within a quarter-mile of the river through veto of local planning and zoning decisions.

According to Johannsen, all four members of the Peninsula's legislative delegation now support the bill.

Wednesday night, the Kenai City Council, which opposed the original bill, passed a resolution saying the substitute measure "seems to be a logical approach to the preservation of one of Alaska's natural beauties, sources of income and natural resources."

The measure has also been endorsed by U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Environmental Protection Agency, the U.S. Army Corps of Engineers and the U.S. Forest Service.

In a joint letter sent to Gov. Bill Sheffield, the federal agencies underscored their

comprehensive plan.

Senate Bill 417 must now go to the Senate Finance Committee and clear the Senate Rules Committee before being sent to the Senate floor.

Johannsen was scheduled to meet with Finance Chairman Don Bennett of Fairbanks late Thursday. Rules Committee Chairman Jen Faiks has promised a "fast turnaround on the bill," he said.

"It's in as good a repair as any piece of legislation I've seen," Johannsen added.

A bill appropriating \$160,

000 for preparation of the comprehensive plan has already cleared the legislature, Johannsen said, and is now on the governor's desk.

"There's no question that he's going to sign it."

A \$386,700 operating budget for the management of the Kenai River by the Division of Parks has been reported out of the House and is now being worked on by the Senate.

The bill provides for the purchase of high speed patrol boats and the hiring of two full-time park rangers. The

rangers will assist in development of the management plan, set up a one-stop permitting clearing house for landowners and supervise the activities seven summer season rangers who will be assigned to Kenai.

Johannsen believes creation of the Kenai River Special Management Area will benefit the one local landowners.

"I'm convinced this will increase property values along the river," Johannsen said. "But it will also protect the river."

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ional areas;
n, improve-
recreational
commitments for
under AS

Administrative
use and

Sec. 41.21.025. Zoning of private land within state parks. (a) The department may adopt, under the Administrative Procedure Act (AS 44.62), zoning regulations governing private property within the boundaries of state parks established under this chapter.

(b) Land patented to or under interim conveyance to a regional or village native corporation under 43 U.S.C. 1601-1628 (P.L. 92-203, Alaska Native Claims Settlement Act) which falls within a state park boundary is subject to the zoning regulations provided for under (a) of this section only if the affected regional or village native corporation consents to or fails to reject the zoning regulations within 60 days from the date they are submitted to the effected corporation.

59

(c) Uses existing on June 25, 1976 are not affected by zoning regulations adopted after June 25, 1976. (§ 1 ch 250 SLA 1976)

Revisor's notes. — Formerly AS
41.20.025. Renumbered in 1983.

Sec. 41.21.030. Disposition of funds. All money received from the operation of parks and recreational facilities, including money from concessions, rentals, or donations, shall be deposited in the general fund of the state. (§ 3 ch 158 SLA 1959)

Revisor's notes. — Formerly AS
41.20.030. Renumbered in 1983.

Sec. 41.21.040. Division within department. The commissioner may establish within the department a separate division to perform the functions relative to parks and recreational facilities specified in AS 41.21.010 — 41.21.040 and related or additional functions as are otherwise assigned to the department by law. (§ 4 ch 158 SLA 1959)

Revisor's notes. — Formerly AS 41.20.040. Renumbered in 1983. was established in 1970 under the authority given in this section.
Editor's notes. — A division of parks

City of Soldotna

BOX 409

PHONE 262-9107

SOLDOTNA, ALASKA 99669



CITY OF OPPORTUNITY

April 9, 1984

The Honorable Bettye Fahrenkamp
Chairman, Resources Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The City of Soldotna may have been a little remiss in informing everyone that we do in fact support the Substitute Bill for Senate Bill No. 417, An Act establishing the Kenai River Special Management Area.

At the Senate Committee hearing in Kenai, I personally testified for the City of Soldotna in support of the substitute bill.

The very problems that were our previous concerns, the one quarter mile management width and the use of eminent domain have been removed from the substitute bill.

Other concerns were voiced that have been accommodated.

So we join with others voicing our support of the substitute bill.

Sincerely,

A handwritten signature in cursive script that reads "Justin G. Maile".

Justin G. Maile
Mayor

JGM:mg

APR 12 1984

FINAL
STATEMENT OF FINDINGS
OF THE
KENAI RIVER TASK FORCE

Submitted:
MARCH, 1983

SUMMARY OF RECOMMENDATIONS

The Kenai River Task Force believes in the value of the Kenai River as a significant natural, recreational and economic resource. The Task Force is unequivocally convinced of the need for immediate and sustained efforts to assure the resource will survive the pressures it is experiencing and will experience in increasing amounts in the future.

The final recommendations which have preceeded this section of the report fall into four broad categories; establishment of some comprehensive and long-range programs intended to prevent the River from reaching a point where its future is in question, increased funding to make possible the full implementation of programs for which the structure presently exists, enactment of specific new steps directed at remedying some of the more damaging activities currently taking place and an immediate and ongoing public awareness program.

It was clear to the Task Force that many of the recommendations outlined earlier, if they were all implemented, would only serve as a "holding action" against the use pressures being placed on the Kenai River. The ultimate victory which would assure the future of the Kenai River in a healthy and productive condition will depend on organized and sustained stewardship. To achieve that stewardship will require the formation of long-range programs that are not now in place. To address this perspective the Task Force makes the following recommendations.

* Create a Kenai River Commission or Authority outside of any existing agency. 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 through the creation of a Master Plan for Kenai River development and associated land use practices.

The plan would detail the amount and kinds of development that each segment of the watershed could support and establish a procedure to restore, rehabilitate and regulate particular land areas affecting Kenai River habitat. This plan would have the maintenance of wild-life and wildlife habitat as an important component and would protect habitat by removing structures known to be accelerating erosion and by repairing and stabilizing banks which have unusually high rates of erosion. As guidance for the Commission in the preparation of this plan, the task force recommends as a minimum the documents cited in the preliminary recommendations on this issue. [ISSUE A: Page 7]

* Make a legislative declaration that the highest and best use of the Kenai River is the production and use of its fishery and wildlife resources; all other uses to be tested against that declaration. Such a declaration could eliminate conflict between competing water demands at an early stage, before such conflict diminishes either the River or its highest and best use. [ISSUE B: Page 10]

* Establish a Guide Board for the Kenai River to set and enforce qualifications; limit the continued growth in the number of guides; establish an optimal number of guides and establish a mechanism to adjust the number of guides to that optimal number. [ISSUE D: Page 14]

* Establish the non-transferability of guide licenses and a procedure whereby they are returned to the State when not used for a specified period of time and/or not used to guide a specified minimal number of clients annually. [ISSUE D: Page 14]

* Establish a special Task Force to study and make recommendations concerning the allocation of the Cook Inlet salmon resource with particular reference to its affect on the Kenai River fishery resource. [ISSUE E: Page 16]

Throughout this process it has been clear that prior consideration of the problems of the Kenai River had led to the establishment of programs within existing agencies to control or correct undesirable influences on the River. As is often the case, many of these programs have either not been in operation or have been operating at less than full capacity due to limited funding. The Task Force believes that the resources of the Kenai River need and deserve the full funding support that will allow existing manpower and programs to exert their maximum beneficial effects. Thus, the following specific recommendations are made.

FOR: the Alaska Department of Fish and Game - Habitat Division and the Alaska Department of Public Safety -

Division of Fish and Wildlife Protection

* Increase funding and manpower for all aspects of enforcement of current and future Kenai River regulations designed to protect habitat and/or fish stocks. [ISSUE C: Page 12]

FOR: the Alaska Department of Public Safety

* Increase public safety patrols. Specifically, three new patrol officer positions should be created and funded; and they should be assigned to the River full time during June and July. Increased enforcement patrols could substantially reduce the conflicts. [ISSUE I: Page 23]

FOR: the Alaska Department of Fish and Game - Commercial Fish Division, Sport Fish Division and F.R.E.D. Division

* Substantially increase research funding and manpower for the Department of Fish and Game for collection of Kenai River fisheries data. There should be no diminution of the "emergency" procedures. However, increased research capabilities, resulting in increased data, could make the implementation of those procedures less frequent and reduce the conflict between user planning and emergency closures. [ISSUE F: Page 17]

FOR: the Alaska Department of Natural Resources - Division of Parks

* Increase funding and manpower to the level necessary to properly maintain existing Division of Parks units along the Kenai River that provide public access, boat launching, sanitation and camping facilities along the river. [ISSUE H: Page 21]

After considerable analysis and discussion of the issues and the degree to which deterioration of the Kenai River habitat and use conditions are now taking place, the Task Force could come to no other conclusion than that certain new and specific actions were required to slow that deterioration until the longer range programs can be implemented. It is in this sense of necessity that the following recommendations are made.

* Take over responsibility for the Boating Safety Program currently under the jurisdiction of the U.S. Coast Guard as has been done in forty-eight other states. [ISSUE I: Page 23]

* Develop an adequate data base on all native salmonid species in the Kenai River system and the potential impact of the introduction of hatchery stocks on any of these species. [ISSUE G: Page 19]

* If found to be enforceable by the Commission, establish maximum wake regulations on those areas of the river where banks are particularly prone to erosion. [ISSUE J: Page 26]

* Develop a set of guidelines or regulations which would indicate appropriate designs for both structures to be placed in the river and modifications of the bank. [ISSUE J: Page 26]

* Conduct a legal review of all current state and federal regulations and statutes affecting the Kenai River, and codify those regulations pertaining to the Kenai River with particular reference to legal restrictions on boat operation. 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. The results should be published in a form suitable for public distribution and comprehension. [ISSUE C: Page 12]

* Increase access points on the Kenai River in an effort to distribute existing pressure. On the main stem, increased launch facilities on the upper (Skilak Lake to the Naptown Rapids) and middle (Naptown Rapids to Soldotna Bridge) sections of the river and boat-accessible sanitation stations on the upper, middle and lower (Soldotna Bridge to Warren Ames Bridge) sections of the river should be provided. [ISSUE H: Page 21]

* Expand access to alternative stocks at Deep Creek, Whiskey Gulch, Kasilof River and throughout the entire Susitna drainage, particularly near Willow Creek. The increase of access, both on and off the Kenai River, is essential to resolve existing conflicts between anglers and landowners. [ISSUE H: Page 21]

* Guides should be assigned a specific individual identification number which would be prominently displayed on their boat. [ISSUE D: Page 14]

Throughout the discussions and deliberations leading to this report, the Task Force and many members of the public who commented at the meetings repeatedly expressed their belief in the ability and willingness of the public at-large to modify their behavior in the interest of preserving the resources of the Kenai River. Underlying these statements was the assumption that the public clearly understood the consequences of their present actions and what types of changes would be helpful. To this end a public awareness program that includes, at least, the following elements is recommended.

* River reaches which are particularly sensitive to bank erosion should be marked with cautionary signs. Additionally information on the contribution of powerboat operation to induced erosion and the serious consequences of induced erosion could be presented to users through publication in the sport fishing regulations, signs at access points, posters, newspapers, television, etc.[ISSUE J: Page 26]

* Increase public education about the existing "rules of the road." Throughout the public testimony, it was clear that the rules are rarely known; even more rarely followed; almost never enforced. Examples of the rules are:

An anchored vessel has the right of way over all other vessels.

A vessel traveling downstream has the right of way over vessels traveling upstream.

A vessel traveling upstream must make way for all other vessels. [ISSUE I: Page 23]

* Note in publications the fisheries that have most frequently been subject to emergency order closures in the past.[ISSUE F: Page 17]

The Task Force submits these final recommendations with the strong conviction that they need to be adopted, if the Kenai River as it has been known and enjoyed is to be available in the future. The work of the Task Force has revealed concern and support for the River among individuals and agencies, professional biologists and laymen, river residents and visitors and fishermen of all descriptions. Although it is obvious that much of what is proposed will be difficult, it is equally obvious that the value of the resource at stake demands the effort.

CHCR 31)
Legislative Resolve 26 Kenai River Study Group
October 11, 1983 Meeting Summary

State agency representatives that have been designated to address the issues identified in Legislative Resolve 26 (e.g., see distribution) met in Anchorage on October 11, 1983. The purpose of the meeting was to discuss the various problems that exist on the Kenai River, review the previous recommendations of the Kenai River Task Force, assign tasks among the study group and develop a strategy for implementing Legislative Resolve 26 (LR 26).

In reviewing each of the issues identified in LR 26, the "LR 26 study group" discussed the importance of each issue and the amount of effort that would be necessary to adequately address each one. With regard to each of the seven issues identified in LR 26, the following is a summary of the discussion and recommendations that were made:

LR 26 Issue (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.

The Kenai River Task Force, during its' six months of existence, sufficiently addressed the need to solicit and consider information from government agencies or the public sector. The Task Force received written comments from nearly 400 individuals or agencies and had a total of 392 persons sign in for at least one of several public meetings that were conducted in the Kenai area. Furthermore, over 200 petition signatures, favoring various positions or recommendations of the Task Force, were also submitted. As stated in the Executive Summary of the Final Kenai River Task Force Report, "the work of the Task Force was in every sense of the word a truly public process from beginning to end."

In addition to the extensive involvement of the public by the Kenai River Task Force, the State also conducted several public opinion surveys and a series of public meetings to gather comments and information for consideration during preparation of the Kenai River State Park Units Master Plan.

Conclusion: Sufficient public involvement regarding identification of issues, information, and recommendations from the public section has already occurred. Therefore, the "study group" did not feel that it was necessary to spend additional time addressing this issue. It will likely be necessary to consult with the public section once specific recommendations have been developed.

LR 26 Issue (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.

The Kenai River State Park Units Master Plan summarizes the various State and Federal agencies having responsibility for the Kenai River. The Master Plan also discusses the public's overriding concern for the lack of any comprehensive management of the river. As described in both the Master Plan and the Kenai River Task Force Report, approximately twenty agencies share responsibility in managing the Kenai River and its resources. Each of these agencies, their responsibilities or area of expertise and areas of overlapping or conflicting jurisdiction, are described in the Master Plan.

In an effort to inform the public of the primary State and Federal agencies having authority or jurisdiction on the Kenai River, and their respective responsibilities and mandates, a public information program should be developed and implemented. The comprehensive plan, mentioned under item (1) of LR 26 Issue (6), should address this issue.

Conclusion: A general review of State, Federal and local laws affecting the Kenai River and its users has already been completed as part of the Kenai River State Park Units Master Plan. However, a public information program should be implemented to inform local residents and users of the various State, Federal and local jurisdictions and policies for the Kenai River.

LR 26 Issue (3). Identify areas of overlapping or conflicting jurisdiction among State and Federal agencies that have jurisdiction over the Kenai River.

Refer to Issue (2) above.

LR 26 Issue (4). Identify Kenai River problems over which no agency has jurisdiction.

An overriding public concern is the lack of comprehensive management of the Kenai River. While various public agencies have specific responsibilities for protection of the Kenai River and its resources, none of these agencies exercise the necessary pre-planning, overall management, or coordination function. Thus, various land and water-use proposals and developments are evaluated as they occur and managed only from a very narrow perspective. Because many of these developments and activities have secondary or cumulative effects, the Kenai River has suffered from a lack of comprehensive management.

Conclusion: A major problem over which no agency has jurisdiction is the overall management of the Kenai River. Furthermore, State agencies have not been provided with established policies or criteria for management decisions relating to development and use of the River. A single State agency should assume the overall coordinating function and management of the river. This approach could eliminate or substantially reduce much of the habitat degradation and user-conflicts now being experienced due to separate site-specific or use-specific management.

LR 26 (5). Publish a list of priorities for the uses of the Kenai River.

Refer to Issue (6) below.

LR 26 Issue (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.

As a final product of their efforts, the Kenai River Task Force produced a Final Statement of Findings and a Summary of Recommendations. Having reviewed the recommendations contained in the final Task Force report, the "LR 26 study group" felt that they provided a good basis from which to consider and recommend possible solutions to the major problems facing the Kenai River. Therefore, the following recommendations and priorities were made only after careful consideration and examination of each of the issues and recommendations contained in the final Kenai River Task Force report.

- (1) The State of Alaska should adopt legislation designating that portion of the Kenai River, from the mouth of Skilak Lake to Cook Inlet, as a "Special Use Area." The legislation would require preparation and adoption of a comprehensive plan, describing management of the Kenai River Special Use area. The plan, developed cooperatively by State and local governments, would identify and address the following concerns or issues:
 - (a) designation of a local agency or entity, such as the Division of Parks, to be responsible for managing and regulating the Kenai River Special Use area;
 - (b) declare that the highest priority use of the Kenai River as being the production and use of its fishery and wildlife resources, with all other uses to be balanced against that declaration;

- (c) the extent and type of development that each segment of the Kenai River Special Use area could support;
- (d) procedures and policies for sound management, restoration, rehabilitation and regulation of the Kenai River and its adjacent critical habitats;
- (e) additional research or studies that may be necessary to support rational management decisions;
- (f) potential impacts of upstream development activities on the designated "Special Use Area;"
- (g) the lack of sufficient enforcement capabilities and the need for additional legal assistance in matters regarding permit violation and the enforcement of regulations designed to protect habitat and/or fish stocks;
- (h) the need for additional access to the Kenai River and other areas in an effort to distribute existing pressure and reduce conflicts between anglers and landowners;
- (i) the need for a public information and boating safety program in addition to increased public safety measures;
- (j) development of necessary cooperative agreements with State and Federal agencies and private landowners.

Conclusion: The State of Alaska should adopt legislation designating a portion of the Kenai River as a "Special Use Area." The legislation should require the preparation and adoption of a comprehensive management plan. The plan should be developed by the State, in cooperation with local governments, and should address issues (a) through (h) identified above.

{ The authority to establish fisheries regulations and make recommendations affecting the allocation of the Cook Inlet Salmon resource should continue to remain with the Alaska Board of Fisheries.

LR 26 Issue (7). Report the findings and recommendations to the Second Session of the Thirteenth Alaska State Legislature.

To be completed.

FINAL
STATEMENT OF FINDINGS
OF THE
KENAI RIVER TASK FORCE

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EXECUTIVE SUMMARY

During the approximately six months of its existence the Kenai River Task Force has confronted both the real and the perceived problems facing the Kenai River today. Both public and professional voices have pointed out broadly deteriorating conditions on the Kenai River and urged increased attention to a resource that has great local significance but is also clearly a state resource of international significance.

The work of the Task Force was in every sense of the word a truly public process from beginning to end. Over seventy people attended the organizational meeting and selected from among their members the individuals to serve on two sub-committees, a biological/habitat committee and a social/enforcement committee. It was these two sub-committees working separately on issues within their categories and then together as the Joint Working Committee that led the deliberations and framed this report.

The Task Force received over 200 petition signatures favoring one position or another, written comments from nearly 400 people and agencies and had a total of 392 individuals sign in for at least one of the several public meetings.

It is very important that the impressive volume of public concern about this resource and its future be recognized by those who have the power to implement the Task Force's final recommendations.

Although there are twenty specific recommendations, the Task Force wishes to particularly highlight three ideas.

There is a need and outstanding public support for the creation of a Kenai River Commission or Authority. Effective protection and maintenance of this resource demands a unified perspective that is now missing, and such a Commission would fill that void.

To give direction to such a Commission and to resolve the conflict of priorities that does now and will continue to confront the River, the Task Force is recommending a special legislative

designation for the River. That legislative declaration would state that the highest and best use of the Kenai River is the production and harvest of its fishery resources. The acceptability of all other present or future uses of the River would then have to be measured against that primary function.

Finally, there is a widespread belief that full enforcement of the existing regulations applicable to the use of the river and its resources would do much to eliminate current use conflicts. There is overwhelming public support for increased enforcement on the Kenai River, and the Task Force strongly recommends the immediate support of this concept.

The full understanding of the Task Force's conclusions and recommendations is better achieved with a review of the Summary of Recommendations.

There is public and private concurrence that the Kenai River is at a critical point in its history and that the decisions and actions which are taken now (or not taken) may well determine the future of this exceptionally productive and valuable resource.

OVERVIEW

The Kenai River

The Kenai River which originates in the drainage of Kenai Lake in the eastern Kenai Peninsula and enters Cook Inlet at the City of Kenai on the western Peninsula (see map on page 2) is a resource of substantial local, regional, statewide, national and international significance. Because of its accessibility, its proximity to Anchorage and its exceptional biological productivity, it is the single most popular sport fishing river in the State, accounting for approximately 179,000 man-days of angling effort in 1981, a 47 percent increase in effort over the 1977 figures. The Upper Cook Inlet commercial salmon harvest annually has a value of approximately 20 million dollars, and approximately 40 percent of that value is attributable to Kenai River fish. It should be noted that in years when the salmon fishery experiences record high harvests, it is the Kenai River sockeye salmon that provide the bulk of that additional increment. When all of the related recreational and economic interests and activities are taken into consideration, it is clear why concern over this resource is both widespread and justified.

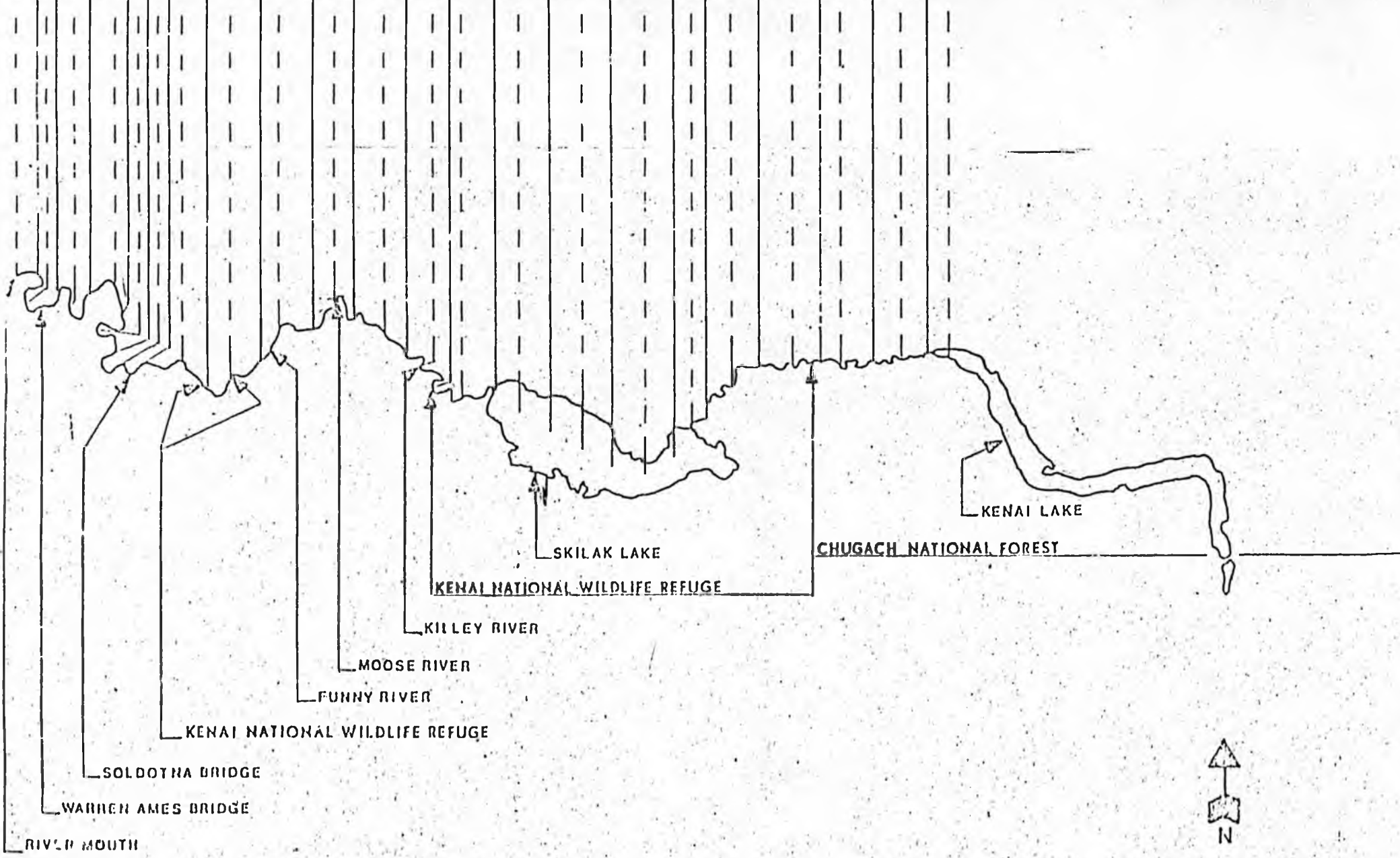
Origin of the Kenai River Task Force

A generally recognized and frequently discussed change in the conditions on the Kenai River and the parallel change in the user experience on the River were crystalized in a January 26, 1982 letter from a Sterling resident to Governor Jay Hammond. The letter expressed a widely held concern for the future of the River and cited problems as diverse as the safety of the users and the long-term biological viability of the fisheries resource in the River. The letter concluded with a request for official help in addressing the issues and the offer of individual help in whatever fashion the Governor deemed productive.

In a letter dated May 19, 1982 the Governor responded acknowledging awareness of the problems and expressing his own concerns for the future of this resource. In addition to recognizing various disjunct attempts to address specific aspects of the overall

RIVER MILES

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KENAI RIVER TASK FORCE

KENAI RIVER

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 comprehensive problem statements and the suggested solutions which had been identified.

The Joint Working Committee reviewed the two reports, made modifications where they were desired and merged them into a single preliminary draft report. That report was presented to the full Task Force for its review.

Following the review by the full Task Force, the Review Draft was widely circulated for public review and comment. Comment was received at two well-attended meetings in Anchorage and Soldotna. In addition a comment form was attached to each copy of the draft report to facilitate written comments.

When the meetings had been conducted and the period for receiving written comments had concluded, the Joint Working Committee again met to review the comments and make the necessary final revisions to the report. This report represents the results of that final meeting and, in a larger sense, the final results of the entire process.

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 wild-life) 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 this context that the Joint Working Committee undertook the consideration of the specific issues and alternatives and decided on its final recommendations.

ISSUE DEVELOPMENT AND RESOLUTION

Introduction

The life of the Kenai River Task Force is very short, and the support resources available to it have been very limited. In contrast the human resources that have been volunteered, particularly by those on the Joint Working Committee, have been most generous. The constraints under which the Task Force has worked have resulted in some of the recommendations being more general than might have been wished. The Task Force recognizes this situation and supports additional efforts to refine and enhance any of the recommended actions which may be too general for immediate adoption.

The format of this section uses six steps for the development and resolution of each issue which the Task Force addressed.

1. ISSUE

This is a simple statement of a central problem that was brought to the attention of the Task Force, and it is generally phrased in terms of a conflict.

2. PROBLEM STATEMENT

This is an expansion of the major issue by means of supplying additional information and the presentation of examples of situations in which the issue surfaces. It is not meant to be a complete and definitive listing of every example of this type of conflict.

3. SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED

In most cases several possible solutions were considered before one or more was selected for recommendation by the Task Force. This section records those possibilities which were not chosen. They were not necessarily rejected as unsuitable; they simply were not chosen as the most effective or primary recommendations.

4. PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW

When the Task Force had completed its first round of work on all of the issues and tentatively decided on what actions it would recommend, it took those recommendations to the public for review. These are the pre-public review recommendations.

5. PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS

This is a brief statement about the public's reaction to the preliminary recommendations as that reaction was evidenced in public meetings and in written comments received by the Task Force.

6. FINAL RECOMMENDATIONS OF THE TASK FORCE

After receiving public comment, the Task Force re-evaluated each of its preliminary recommendations to see if it would be retained as a final recommendation. In some cases the preliminary recommendations were accepted as they had been stated. In other cases the public process suggested changes in the scope or wording of the recommendations.

There are two important points that should be understood about this structure. When more than one action is recommended, it is the intent of the Task Force that both actions occur, not that a choice be made between them. Additionally, the order in which issues or recommendations are listed does not reflect either importance or priority.

ISSUE A:

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.

The river and the habitats which it supports are frequently not well protected with this fragmentation of authority. Diverse and increasing human use and development along the Kenai River has resulted in displacement of some wildlife species from traditional use areas. The Kenai River at the outlet of Skilak Lake was a primary spring and fall staging area for trumpeter and whistling swans until increasing human use caused these birds to abandon the area.

Numerous bald eagles, over 100 during some winters, utilize the Kenai River as a feeding and resting area; and several bald eagles nest along the river. Increased development could disrupt this use. High levels of motorboat traffic and human activity have caused abandonment of traditional nests.

Waterfowl and shorebirds have been displaced from nesting along the most developed and heavily used river segments. Moose, river otter and beaver have been disturbed particularly during the time they are raising young.

As backwater and adjacent river water areas have been altered, salmon and trout rearing areas have most likely been diminished in value.

Some losses of wildlife habitat and some wildlife displacement are inevitable with increasing human use and development. However, wildlife use should be given a priority on dedicated conservation lands; and habitat loss and wildlife displacement should be minimized on private and other lands, if the Kenai River is to remain a biologically productive river.

An organized approach to the entire river could eliminate many of the detrimental activities now being

experienced because of separate and site-specific or use-specific management.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

(1.) Adopt the Division of Parks proposal for a citizen's policy board that could provide greater centralization and unification of river policies than exists at present as outlined in the "Kenai River State Park Units Master Plan".

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

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.

Develop a Master Plan for Kenai River development and associated land use practices. The plan would detail the amount and kinds of development that each segment of the watershed could support and establish a procedure to restore, rehabilitate and regulate particular land areas affecting Kenai River habitat. This plan would have the maintenance of wildlife and wildlife habitat as an important component, and the program would protect habitat by removing structures known to be accelerating erosion and by repairing and stabilizing banks which have unusually high rates of erosion.

In the context of a comprehensive plan the Task Force draws particular attention to several documents which deal with particular aspects of the River. While the list is not exhaustive, these documents should certainly be basic to the more comprehensive effort.

"Kenai River Review - Final", U.S. Department of the Army, Alaska District, Corps of Engineers, April 1978.

"Kenai River State Park Units Master Plan", State Of Alaska, Department of Natural Resources, Division of Parks, February 1983.

"Erosion and Sedimentation in the Kenai River, Alaska", Geological Survey Professional Paper 1235.

"Salmon Investigations in the Kenai River, Alaska 1979 - 1981", U.S. Fish and Wildlife Service, National Fishery Research Center.

"Chugach Forest Plan Draft Environmental Impact Statement", U.S. Department of Agriculture, Forest Service, June 1982.

"Kenai National Wildlife Refuge Comprehensive Conservation Plan", U.S. Department of the Interior, Fish and Wildlife Service, Kenai National Wildlife Refuge, 1983.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

Comments at the public meetings favored the recommendations; and written comments supported the Commission recommendation 2:1, the Master Plan 6:1 and the giving of special emphasis to the maintenance of wildlife and wildlife habitats 11:1.

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FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE A:

THE TASK FORCE RECOMMENDS THE CREATION OF A KENAI RIVER COMMISSION OR AUTHORITY OUTSIDE OF ANY EXISTING AGENCY. THE COMMISSION SHOULD 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 THROUGH CREATION OF A MASTER PLAN FOR KENAI RIVER DEVELOPMENT AND ASSOCIATED LAND USE PRACTICES. THE PLAN WOULD DETAIL THE AMOUNT AND KINDS OF DEVELOPMENT THAT EACH SEGMENT OF THE WATERSHED COULD SUPPORT AND ESTABLISH A PROCEDURE TO RESTORE, REHABILITATE AND REGULATE PARTICULAR LAND AREAS AFFECTING KENAI RIVER HABITAT. THIS PLAN WOULD HAVE THE MAINTENANCE OF WILDLIFE AND WILDLIFE HABITAT AS AN IMPORTANT COMPONENT, AND THE PROGRAM WOULD PROTECT HABITAT BY REMOVING STRUCTURES KNOWN TO BE ACCELERATING EROSION AND BY REPAIRING AND STABILIZING BANKS WHICH HAVE UNUSUALLY HIGH RATES OF EROSION. AS GUIDANCE FOR THE COMMISSION IN THE PREPARATION OF THIS PLAN, THE TASK FORCE RECOMMENDS AS A MINIMUM THE DOCUMENTS CITED IN THE PRELIMINARY RECOMMENDATION ABOVE.

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ISSUE B:

THERE IS A POTENTIAL CONFLICT BETWEEN COMPETING WATER DEMANDS THAT SEEK USE OF THE WATER IN THE KENAI RIVER AND ITS DRAINAGE.

PROBLEM STATEMENT:

American rivers have a long history of uses: first as highways, then as boundaries, then as sewers. Later, as we came to value rivers more, we gave them use designations: transportation, power, irrigation. To the knowledge of the Joint Working Committee, no major American river has received designation as a fishing river prior to other more "pragmatic" use designations.

While there is no immediate threat to the quality and quantity of water in the Kenai River, the potential for extraction, diversion and/or degradation of the water exists. Water supplies capable of supporting new or expanded industrial or agricultural developments are rare on the Kenai Peninsula. In one recently proposed petrochemical plant development the Kenai River was noted as being the only water supply large enough to support the plant's operation. Certainly similar proposals will be offered in the future.

Any withdrawal of water from the Kenai River or degradation of water quality within the River can reduce the fish producing capability of the Kenai River.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

(1.) Provide for minimum instream flows of sufficient quality and quantity to insure protection of Kenai River fish stocks through the application of State laws relative to water rights.

(2.) Designate the Kenai River as a "recreational" river.

(3.) Designate the Kenai River watershed as "protected habitat".

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

Make a legislative declaration that the highest and best use of the Kenai River is the production and use of its fishery and wildlife resources: all other uses to be tested against that declaration. Such a declaration could eliminate conflict between competing water demands at an early stage, before such conflict diminishes either the River or its highest and best use.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

The public meetings produced support for the concept of a protective designation for the Kenai River, and the written comments favored the recommendation by a ratio of 7:1.

FINAL RECOMMENDATION OF THE TASK FORCE ON ISSUE B:

THE TASK FORCE RECOMMENDS IMPLEMENTATION OF THE PRELIMINARY RECOMMENDATION AS STATED ABOVE.

ISSUE C:

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.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

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

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

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

Codify all 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.

Increase funding and manpower for all aspects of enforcement of current and future Kenai River regulations designed to protect habitat and/or fish stocks.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

The public meetings did not evoke a great deal of discussion on these recommendations, but the written comments favored the first and second recommendations by as much as 16:1 and the third by a ratio of 10:1.

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FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE C:

THE TASK FORCE RECOMMENDS CONDUCTING A LEGAL REVIEW OF ALL CURRENT STATE AND FEDERAL REGULATIONS AND STATUTES AFFECTING THE KENAI RIVER AND THE CODIFICATION OF THOSE REGULATIONS WITH PARTICULAR REFERENCE TO LEGAL RESTRICTIONS ON BOAT OPERATION. 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. THE RESULTS SHOULD BE PUBLISHED IN A FORM SUITABLE FOR PUBLIC DISTRIBUTION AND COMPREHENSION.

IN ADDITION THE TASK FORCE RECOMMENDS AN INCREASE IN FUNDING AND MANPOWER FOR ALL ASPECTS OF ENFORCEMENT OF CURRENT AND FUTURE KENAI RIVER REGULATIONS DESIGNED TO PROTECT HABITAT AND/OR FISH STOCKS.

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ISSUE D:

THERE IS A CONFLICT BETWEEN PROFESSIONAL SPORT FISHING GUIDES AND INDIVIDUAL RECREATIONAL USERS OF THE KENAI RIVER.

PROBLEM STATEMENT:

Professional sport fishing guides on the Kenai River have enjoyed extraordinary success and growth in numbers recently. In 1981 guided parties accounted for about 14,100 man-days of effort in king salmon fishing; but in 1982 that number grew to approximately 24,900 man-days of effort, a one-year increase of 76.5 percent. Some fraction of this increase is attributable to observations of registered guides' boats which may have been in personal, not occupational, use.

In 1982 there were 207 registered guides for the Kenai River. Guides are on the River with greater frequency than individual fishermen thereby increasing their exposure to potential conflict with individual fishermen. Because they are more often successful than individual fishermen, they have often been perceived to be the cause of problems being experienced by individual fishermen.

Fewer than one hundred (100) active professional sport fishing guides and their clients take fifty percent (50%) of the sport caught king salmon in the Kenai River. The Joint Working Committee makes no judgement as to whether this is fair, what it can judge is that the situation is perceived as unfair by a number of those giving public testimony.

Both guides and non-guides recognize that this "new" group of users is having and will continue to have a significant influence on all other river users. For both public safety and resource management reasons it will be advisable to introduce some structure to the participation of this group. Inexperienced guides and an uncontrolled increase in the number of guides will not serve either the existing guides or the general public well.

Although guides have a special marking on their boats, it may not be discernible; and if it can be seen, it does not readily identify the individual. In some cases undesirable behavior is attributed to guides when that is not the case. It is also the case that a few guides may be casting an unfavorable light on all others. A means of specifically identifying a particular guide would help considerably in clearing up some of these misperceptions.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

(1.) Prohibit professional sport fishing guiding on the Kenai River.

(2.) Limit professional sport fishing guides to two clients per trip.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

Establish a Guide Board for the Kenai River to set and enforce qualifications; limit the continued growth in the number of guides; establish an optimal number of guides and establish a mechanism to adjust the number of guides to that optimal number.

Establish the non-transferability of guide licenses and a procedure whereby they are returned to the State when they have not been used for a specified period of time and/or have not been used to guide a specified minimal number of clients annually.

Assign guides a specific individual number which would be prominently displayed on their boat.

PUBLIC RESPONSE TO RECOMMENDATIONS:

Non-guides expressed concern over the growth of guiding business on the Kenai River, and in the public meetings they expressed support for the preliminary recommendations. The written comments favored the first two recommendations by a ratio of 3:1 and the last one by 9:1.

FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE D:

THE TASK FORCE RECOMMENDS THE IMPLEMENTATION OF EACH OF THE PRELIMINARY RECOMMENDATIONS AS STATED ABOVE.

ISSUE E:

THERE IS A CONFLICT BETWEEN COMMERCIAL FISHERIES OUTSIDE THE KENAI RIVER AND RECREATIONAL FISHERIES WITHIN THE RIVER.

PROBLEM STATEMENT:

The conflict between the commercial fishing industry and the Kenai River sport fishery is of long duration and continuing complexity. The Joint Working Committee does not attempt to resolve it, recognizing that it is the purview of the Alaska Board of Fisheries. It does, however, point out that the conflict will demand further resolution before an adequate river regime can be finally established.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

Only one solution was considered.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

If conceptually supported by the Alaska Board of Fisheries establish a special Task Force to assist the Board in addressing the question of allocation of the Kenai River fishery resource.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

This issue is a major concern to the public. The written comments favored the recommendation by a ratio of 7:1.

FINAL RECOMMENDATION OF THE TASK FORCE ON ISSUE E:

THE TASK FORCE RECOMMENDS THE CREATION AND SUPPORT OF A SPECIAL TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS CONCERNING THE ALLOCATION OF THE COOK INLET SALMON RESOURCE WITH PARTICULAR REFERENCE TO ITS AFFECT ON THE KENAI RIVER FISHERY RESOURCE.

ISSUE F:

THERE IS DISSATISFACTION WITH THE CURRENT SITUATION IN WHICH AN INDIVIDUAL'S PLANS FOR FISHING IN THE KENAI RIVER MAY BE DISRUPTED BY A CLOSURE OF THE SPORT FISHERY THROUGH EMERGENCY ORDER. SOME OF THE FISH HARVEST PROBLEMS AND HABITAT PROTECTION CONCERNS MAY BE DUE TO AN INADEQUATE DATA BASE FOR THE PRINCIPAL RECREATIONAL SPECIES OF FISH.

PROBLEM STATEMENT:

Management by emergency order is necessary to protect fish stocks in the Kenai River fishery. Since return and escapement are directly related to so many biological and natural processes that are uncontrollable by man, it is virtually impossible to manage both above average and below average returns without emergency orders.

Emergency orders are essential for the sound biological management of Alaska's fishery resource. They provide the necessary in-season flexibility to allow for maximum harvests of surplus stocks while insuring that the proper escapement levels are maintained.

The "emergency power" procedure of the Department of Fish and Game is one of its most important and widely known management tools. When that procedure is invoked, especially for closures, user planning is often disrupted. Especially sensitive to closures are the guiding and tourist support industries.

Lack of critical information concerning various aspects of the life histories or behavior patterns of those fish species affecting recreational anglers does not allow optimal management. The problem is most acute with chinook salmon; however, rainbow trout stocks have also suffered from data gaps. Annual escapement of chinook salmon, annual outmigration of chinook salmon smolt, detailed information on spawning and rearing areas, total population estimates of rainbow trout, data on annual migrations of rainbow trout and data on the effects of commonly proposed projects are examples of the type of information necessary for more efficient utilization of the resource.

The affect of the missing data is generalized management of the fishery which can subject the stocks to potential over harvest situations or the anglers to annoying restrictive regulations or emergency closures. Current salmon management is conservative in nature, and the filling of these data voids could result in the safe and long-term harvest of a greater percentage of any particular stock or run.

Any inconvenience caused by emergency orders is strictly a social problem; however, the following solutions are offered with no anticipated biological impact on the Kenai River system.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

- (1.) Require a minimum "prior notice" time to publicize emergency closures, so that the public disruption is held to a minimum.
- (2.) Provide for alternate methods of fishing, so that a fishery is not entirely closed. This would possibly provide an opportunity for tourists and others to bank fish when the Kenai River is closed to boat fishing.
- (3.) Provide a better exchange system for data gathered by various agencies and/or individuals.
- (4.) Assign priorities to data needs, and coordinate the implementation of the research programs.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

Substantially increase research funding and manpower for the Department of Fish and Game for the collection of Kenai River fisheries data. There should be no diminution of the "emergency" procedures. However, increased research resulting in increased data and management capability could make the implementation of those procedures less frequent thereby reducing the conflict between user planning and emergency closures.

Initiate a public awareness program, and note in publications the fisheries that have most frequently been subject to emergency order closure in the past.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

In all of the public meetings there was pronounced support for increased data gathering, and in the written comments the first preliminary recommendation of the Task Force received favorable response in a ratio of 5:1 while the second was supported 10:1.

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FINAL RECCMMENDATIONS OF THE TASK FORCE ON ISSUE F:

THE KENAI RIVER TASK FORCE SUPPORTS THE IMPLEMENTATION OF EACH OF THE PRELIMINARY RECOMMENDATIONS AS STATED ABOVE.

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ISSUE G:

THERE IS A POTENTIAL THREAT TO WILD FISH STOCKS WITH THE INTRODUCTION OF HATCHERY STOCKS PRIOR TO AN UNDERSTANDING OF THE INTERACTION BETWEEN THE TWO.

PROBLEM STATEMENT:

It is possible that the hasty or unstudied introduction of hatchery stocks into the Kenai River system could have adverse affects on native races and species. It is possible to displace wild fish through the inappropriate selection of stocking sites. Similarly, the incorrect selection of stocking site and life-stage of the fish being stocked could lead to a sequential competition for rearing area, early outmigration of immature smolt and subsequent lower potential for ocean survival. Insufficient preliminary pathology work could lead to the introduction of disease to healthy native stocks.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

(1.) Complete the study of the affects of smolt numbers in relation to the available rearing areas initiated by the Alaska Field Station of the National Fisheries Research Center (U.S. Fish and Wildlife Service). The work began with king salmon smolts and their possible early outmigration. It should be completed for at least one full life-cycle.

(2.) Establish management goals that will assure native stock escapement of sufficient magnitude to make full use of the river's rearing potential.

PRELIMINARY RECOMMENDATION SUBMITTED FOR PUBLIC REVIEW:

Develop an adequate data base on all native salmonid species in the Kenai River system and the potential impact of the introduction of hatchery stocks on any of these species.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATION:

In the public meetings there was support for an increased information base for Kenai River fish stocks and the use of great caution with the introduction of hatchery stocks to the Kenai system. The written comments favored the recommendation in a ratio of 4:1.

FINAL RECOMMENDATION OF THE TASK FORCE ON ISSUE G:

THE TASK FORCE RECOMMENDS FULL SUPPORT OF THE PRELIMINARY RECOM-
MENDATION AS STATED ABOVE.

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.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

- (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.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

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.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

There was a reasonable amount of discussion of these recommendations in the public meetings, and it centered on whether additional access will redistribute existing pressure or simply become an attraction for additional pressure. The written comments favored the first recommendation in a ratio of 2:1 and the second in a ratio of 7:1.

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FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE H:

THE TASK FORCE MAKES THREE FINAL RECOMMENDATIONS ON THIS ISSUE.

INCREASE ACCESS POINTS ON THE KENAI RIVER IN AN EFFORT TO DIS-
TRIBUTE EXISTING PRESSURE. ON THE MAIN STEM, INCREASED LAUNCH
FACILITIES ON THE UPPER (Skilak Lake to the Naptown Rapids) AND
MIDDLE (Naptown Rapids to the Soldotna Bridge) SECTIONS OF THE
RIVER AND BOAT ACCESSIBLE SANITATION STATIONS ON THE UPPER,
MIDDLE AND LOWER (Soldotna Bridge to the Warren Ames Bridge)
SECTIONS OF THE RIVER SHOULD BE PROVIDED.

EXPAND ACCESS TO ALTERNATIVE SALMON STOCKS AT DEEP CREEK, WHISKEY
GULCH, KASILOF RIVER AND IN THE SUSITNA DRAINAGE, PARTICULARLY
NEAR WILLOW CREEK. THE INCREASE OF ACCESS, BOTH ON AND OFF THE
KENAI RIVER, IS ESSENTIAL TO REDUCE EXISTING CONFLICTS BETWEEN
ANGLERS AND LANDOWNERS.

INCREASE FUNDING AND MANPOWER TO THE LEVEL NECESSARY TO PROPERLY
MAINTAIN EXISTING DIVISION OF PARKS UNITS ALONG THE KENAI RIVER
THAT PROVIDE PUBLIC ACCESS, BOAT LAUNCHING, SANITATION AND
CAMPING FACILITIES ALONG THE RIVER.

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ISSUE I:

THERE ARE CONFLICTS WHICH ARISE FROM VARIOUS RIVER USE PRACTICES. THERE IS CONFLICT BETWEEN LARGE BOAT USERS AND SMALL BOAT USERS. AS A VARIETY OF FISHING TECHNIQUES HAVE DEVELOPED ON THE KENAI RIVER, CONFLICT HAS ARISEN BETWEEN ANGLERS USING DIFFERENT GEAR TYPES. THERE IS ALSO CONFLICT CAUSED BY THE NEGLIGENT OPERATION OF BOATS BY SOME RIVER USERS.

PROBLEM STATEMENT:

Different size boats have differing space requirements, differing wave tolerances and differing handling characteristics. As river uses expand and different types of craft come in ever closer contact, conflict results. Much of the public testimony and much of the subcommittee and working committee discussions dealt with the advisability or non-advisability of power limitations on the Kenai River.

Additionally there was an expression of need to begin now making provisions for various types of river use on at least some portion of the River.

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 problem potential seems likely to expand.

In addition to bank fishing there are three major types of boat-based recreational fishing are now in use on the river. Some fishermen prefer to anchor over favorite holes; others prefer to drift through the holes; still others prefer to troll deep-diving lures in the holes. Since the target fishes prefer to hold in relatively confined areas, the increasing concentration of fishermen using variant harvest methods has produced cut lines, impassioned letters to the editor, angry exchanges of both syllable and gesture, and more. For a great many of those giving public testimony, the quality of the fishing experience has been substantially reduced.

Public education about boat-operating rules could significantly reduce the present conflict among gear types while still maintaining the regulatory flexibility necessary to adjust to potentially new and further changing harvest techniques.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

- (1.) Impose no additional restrictions on use of the River.
- (2.) Segment the fishery into distinct sections of the river for specific craft types.
- (3.) Prohibit the use of motors on the Kenai River.
- (4.) Prohibit the use of jet-powered craft on the River.
- (5.) Prohibit the use of non-powered craft on the River.
- (6.) Zone the river to allow only certain fishing techniques on specified river sections.
- (7.) Allocate time to allow only certain fishing techniques on the river on specified days.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

Prohibit the use of motorized boats on the segment of the Kenai River between the outlet of Kenai Lake and the inlet of Skilak Lake thereby providing an area for non-motorized river use.

Limit the maximum total allowable power per boat to 55 horsepower in the section of river between Centennial Campground and the Warren Ames Bridge between May 1 and August 31 beginning immediately.

or alternatively

Limit the total allowable power per boat to 55 horsepower in the section of river between Centennial Campground and the Warren Ames Bridge between May 1 and August 31 beginning three years after enactment.

or alternatively

Limit the total allowable power per boat to 55 horsepower in the section of river between the outlet of Skilak Lake and the Warren Ames Bridge between May 1 and August 31 beginning three years after enactment.

Increase public education about the existing "rules of the road." Throughout the public testimony, it was clear that the rules are rarely known, even more rarely followed, almost never enforced. Examples of the rules are:

An anchored vessel has the right of way over all other vessels.

A vessel traveling downstream has the right of way over vessels traveling upstream.

A vessel traveling upstream must make way for all other vessels.

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

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

These recommendations, particularly those relating to the limitation of horsepower, drew extensive public comment; and the majority of that comment was unfavorable. In addition to numerous comments at the public meetings, written comments opposed the horsepower limitation by a ratio of 2:1 or more. Written comments also opposed the prohibition of motor-powered craft from the River between Kenai Lake and Skilak Lake by a ratio of 2:1. Petitions were received on this latter recommendation, and they opposed the recommendation by about 10:1. Increased public education about the "rules of the road" was favored by a ratio of 24:1; and increased public safety patrols was supported by 13:1 margin.

FINAL RECOMMENDATIONS OF THE TASK FORCE:

THE TASK FORCE MAKES NO RECOMMENDATIONS ON HORSEPOWER LIMITATION OR THE RESTRICTION OF MOTOR-POWERED CRAFT IN THE RIVER BETWEEN KENAI LAKE AND SKILAK LAKE. WITH RECOGNITION THAT MEASURES SUCH AS THOSE OUTLINED IN THE PRELIMINARY RECOMMENDATIONS MAY EVENTUALLY BECOME NECESSARY, THE TASK FORCE DECIDED TO RECOMMEND INCREASED ENFORCEMENT TO ACHIEVE IMPROVEMENTS BEFORE RECOMMENDING MORE RESTRICTIVE MEASURES.

THE TASK FORCE DOES RECOMMEND IMPLEMENTATION OF THE PRELIMINARY RECOMMENDATIONS ON A PUBLIC AWARENESS PROGRAM AND INCREASED PUBLIC SAFETY PATROLS AS STATED ABOVE.

THE TASK FORCE ALSO RECOMMENDS THAT THE STATE OF ALASKA TAKE OVER RESPONSIBILITY FOR THE BOATING SAFETY PROGRAM CURRENTLY UNDER THE JURISDICTION OF THE U.S. COAST GUARD.

ISSUE J:

RIVERFRONT PROPERTY AND FISH HABITAT ARE CURRENTLY THREATENED BY EROSION INDUCED BY INSTREAM STRUCTURES AND BOAT WAKES.

PROBLEM STATEMENT:

Due to streambank development and boat wakes, in recent years there has been an increase over natural levels of bank erosion along several reaches of the Kenai River below Skilak Lake ("Erosion and Sedimentation in the Kenai River, Alaska", Geological Survey Professional Paper 1235). The erosion rate in miles 39 to 46 has increased primarily due to the instream placement of numerous groins. The erosion in miles 9 to 18 has increased primarily due to the effects of boat wake run-up on naturally unstable banks. In addition a man-made canal system at mile 16 increases the potential of cutting off a river meander. Such a cutoff would stimulate large scale erosion downstream as the river attempted to redefine its channel.

Materials which have been eroded from streambanks cause little degradation of salmon habitat while they are being transported by the river. Degradation of salmon habitat may occur at the point where the erosion takes place or where the materials are deposited in the pores of streambed gravel, thereby reducing the streambed's fitness to incubate salmon eggs or produce food organisms. The Kenai River, unlike most rivers, will not experience flows adequate to remove sediment from the streambed.

"Juvenile chinook salmon have been shown to occupy a narrow range of river habitat which is typically associated with pools along the margins of riffles or current eddies. The close association of juvenile chinook and low water velocities necessitates the availability of irregular bank habitat which forms small pools and current eddies during high discharge periods. In the summer months, water velocity appeared to be the greatest limiting factor for juvenile chinook in their utilization of Kenai River habitat." (Burger, C.V., D.B. Wangaard, R.L. Wilmot and A.N. Palmisano. 1982. Salmon investigations in the Kenai River, Alaska 1979-1981. U.S.F.W.S., National Fishery Research Center, Anchorage, Alaska. p. 115.)

The significance of river bank alterations, such as bank stabilization projects, on juvenile chinook rearing is difficult to assess because of the lack of site specific, quantifiable data. It is known that alterations which eliminate river bank irregularities

increase velocities beyond the usable limit or rearing chinook. Bank stabilization projects can be expected to increase velocities and result in a net loss of chinook rearing habitat. When considered on a cumulative basis these could be highly significant to the loss of river productivity.

Landowners along the river are apparently frustrated by the current permitting process because they are continuously told that their projects are unsuitable, but they cannot get the agencies to suggest suitable design.

SOLUTIONS WHICH WERE CONSIDERED BUT NOT RECOMMENDED:

The following suggestions were offered as alternative solutions to bank erosion problems caused by powerboat operation.

(1.) Restrict motor horsepower and boat size. One theory holds that, over time, a regulation specifying maximum horsepower would tend to limit boat size.

(2.) Establish an operating speed limit.

(3.) Prohibit powerboats from using areas of the river where banks are particularly prone to erosion.

(4.) Find or develop a boat hull design which would minimize the production of wake.

(5.) Reduce the number of powerboats operating daily on the river by instituting a system using boat registration, fishing license or motor vehicle license plate numbers to divide participants into two groups, "even and odd". Those persons possessing an "even" number could participate in one set of alternate days; those with an "odd" number could participate in the other set of alternate days.

(6.) Eliminate the use of motor-powered vessels. Several successful sport fisheries are operated on a "drift only" principle. Parties fish from rowboats which are launched at an upstream location and removed from the water at some downstream location. Drifting boats do not create a wake; and, therefore, do not cause acceleration of bank erosion. Launching sites, if improperly designed, could be sources of erosion.

The following suggestion was offered as an alternative solution to bank erosion caused by shoreline developments.

(1.) Strictly enforce existing and future regulations designed to protect Kenai River habitat. Too often the

responsible agencies are lacking the money, personnel or the will to enforce existing laws.

PRELIMINARY RECOMMENDATIONS SUBMITTED FOR PUBLIC REVIEW:

If found to be enforceable by the Commission, establish maximum wake regulations on those areas of the river where banks are particularly prone to erosion.

Develop a public awareness program. Some persons have expressed the belief that the amount of bank erosion could be substantially reduced, if river users were aware of the serious consequences of bank erosion; and that, at least, in certain reaches of the river powerboat operation contributes significantly to the erosion process. Particularly sensitive river reaches would be marked with signs. Information could be presented to users through publication in the sport fishing regulations, signs at access points, posters, newspapers, television, etc.

Develop a set of guidelines or regulations which would indicate appropriate designs for both structures to be placed in the river and modifications of the bank.

PUBLIC RESPONSE TO PRELIMINARY RECOMMENDATIONS:

In the public hearings and input sessions there was broad support for the preliminary recommendations, and in written comments the recommendations received favorable responses. Maximum wake regulations were favored 3:1; the public awareness program was supported 8:1 and the guidelines for instream structures and riverbank development were favored 9:1.

* * * * *

FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE J:

THE KENAI RIVER TASK FORCE SUPPORTS THE IMPLEMENTATION OF EACH OF THE PRELIMINARY RECOMMENDATIONS AS STATED ABOVE. THE TASK FORCE RECOGNIZES THAT SUCH ITEMS AS THE GUIDELINES MENTIONED ABOVE CAN BE HANDLED ON AN INTERIM BASIS THROUGH EXISTING AGENCIES AND MECHANISMS SUCH AS THE PROGRAM OF THE U.S. ARMY CORPS OF ENGINEERS. HOWEVER, IT IS HOPE OF THE TASK FORCE THAT THOSE GUIDELINES, THE WAKE REGULATIONS AND SIMILAR PROGRAMS WILL EVENTUALLY BE ADMINISTERED UNDER THE GENERAL SUPERVISION OF THE KENAI RIVER COMMISSION.

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SUMMARY OF RECOMMENDATIONS

The Kenai River Task Force believes in the value of the Kenai River as a significant natural, recreational and economic resource. The Task Force is unequivocally convinced of the need for immediate and sustained efforts to assure the resource will survive the pressures it is experiencing and will experience in increasing amounts in the future.

The final recommendations which have preceeded this section of the report fall into four broad categories; establishment of some comprehensive and long-range programs intended to prevent the River from reaching a point where its future is in question, increased funding to make possible the full implementation of programs for which the structure presently exists, enactment of specific new steps directed at remedying some of the more damaging activities currently taking place and an immediate and ongoing public awareness program.

It was clear to the Task Force that many of the recommendations outlined earlier, if they were all implemented, would only serve as a "holding action" against the use pressures being placed on the Kenai River. The ultimate victory which would assure the future of the Kenai River in a healthy and productive condition will depend on organized and sustained stewardship. To achieve that stewardship will require the formation of long-range programs that are not now in place. To address this perspective the Task Force makes the following recommendations.

* Create a Kenai River Commission or Authority outside of any existing agency. 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 through the creation of a Master Plan for Kenai River development and associated land use practices.

The plan would detail the amount and kinds of development that each segment of the watershed could support and establish a procedure to restore, rehabilitate and regulate particular land areas affecting Kenai River habitat. This plan would have the maintenance of wildlife and wildlife habitat as an important component and would protect habitat by removing structures known to be accelerating erosion and by repairing and stabilizing banks which have unusually high rates of erosion. As guidance for the Commission in the preparation of this plan, the task force recommends as a minimum the documents cited in the preliminary recommendations on this issue. [ISSUE A: Page 7]

* Make a legislative declaration that the highest and best use of the Kenai River is the production and use of its fishery and wildlife resources; all other uses to be tested against that declaration. Such a declaration could eliminate conflict between competing water demands at an early stage, before such conflict diminishes either the River or its highest and best use. [ISSUE B: Page 10]

* Establish a Guide Board for the Kenai River to set and enforce qualifications; limit the continued growth in the number of guides; establish an optimal number of guides and establish a mechanism to adjust the number of guides to that optimal number. [ISSUE D: Page 14]

* Establish the non-transferability of guide licenses and a procedure whereby they are returned to the State when not used for a specified period of time and/or not used to guide a specified minimal number of clients annually. [ISSUE D: Page 14]

* Establish a special Task Force to study and make recommendations concerning the allocation of the Cook Inlet salmon resource with particular reference to its affect on the Kenai River fishery resource. [ISSUE E: Page 16]

Throughout this process it has been clear that prior consideration of the problems of the Kenai River had led to the establishment of programs within existing agencies to control or correct undesirable influences on the River. As is often the case, many of these programs have either not been in operation or have been operating at less than full capacity due to limited funding. The Task Force believes that the resources of the Kenai River need and deserve the full funding support that will allow existing manpower and programs to exert their maximum beneficial effects. Thus, the following specific recommendations are made.

FOR: the Alaska Department of Fish and Game - Habitat Division and the Alaska Department of Public Safety -

Division of Fish and Wildlife Protection

* Increase funding and manpower for all aspects of enforcement of current and future Kenai River regulations designed to protect habitat and/or fish stocks. [ISSUE C: Page 12]

FOR: the Alaska Department of Public Safety

* Increase public safety patrols. Specifically, three new patrol officer positions should be created and funded; and they should be assigned to the River full time during June and July. Increased enforcement patrols could substantially reduce the conflicts. [ISSUE I: Page 23]

FOR: the Alaska Department of Fish and Game - Commercial Fish Division, Sport Fish Division and F.R.E.D. Division

* Substantially increase research funding and manpower for the Department of Fish and Game for collection of Kenai River fisheries data. There should be no diminution of the "emergency" procedures. However, increased research capabilities, resulting in increased data, could make the implementation of those procedures less frequent and reduce the conflict between user planning and emergency closures. [ISSUE F: Page 17]

FOR: the Alaska Department of Natural Resources - Division of Parks

* Increase funding and manpower to the level necessary to properly maintain existing Division of Parks units along the Kenai River that provide public access, boat launching, sanitation and camping facilities along the river. [ISSUE H: Page 21]

After considerable analysis and discussion of the issues and the degree to which deterioration of the Kenai River habitat and use conditions are now taking place, the Task Force could come to no other conclusion than that certain new and specific actions were required to slow that deterioration until the longer range programs can be implemented. It is in this sense of necessity that the following recommendations are made.

* Take over responsibility for the Boating Safety Program currently under the jurisdiction of the U.S. Coast Guard as has been done in forty-eight other states. [ISSUE I: Page 23]

* Develop an adequate data base on all native salmonid species in the Kenai River system and the potential impact of the introduction of hatchery stocks on any of these species. [ISSUE G: Page 19]

* If found to be enforceable by the Commission, establish maximum wake regulations on those areas of the river where banks are particularly prone to erosion. [ISSUE J: Page 26]

* Develop a set of guidelines or regulations which would indicate appropriate designs for both structures to be placed in the river and modifications of the bank. [ISSUE J: Page 26]

* Conduct a legal review of all current state and federal regulations and statutes affecting the Kenai River, and codify those regulations pertaining to the Kenai River with particular reference to legal restrictions on boat operation. 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. The results should be published in a form suitable for public distribution and comprehension. [ISSUE C: Page 12]

* Increase access points on the Kenai River in an effort to distribute existing pressure. On the main stem, increased launch facilities on the upper (Skilak Lake to the Naptown Rapids) and middle (Naptown Rapids to Soldotna Bridge) sections of the river and boat-accessible sanitation stations on the upper, middle and lower (Soldotna Bridge to Warren Ames Bridge) sections of the river should be provided. [ISSUE H: Page 21]

* Expand access to alternative stocks at Deep Creek, Whiskey Gulch, Kasilof River and throughout the entire Susitna drainage, particularly near Willow Creek. The increase of access, both on and off the Kenai River, is essential to resolve existing conflicts between anglers and landowners. [ISSUE H: Page 21]

* Guides should be assigned a specific individual identification number which would be prominently displayed on their boat. [ISSUE D: Page 14]

Throughout the discussions and deliberations leading to this report, the Task Force and many members of the public who commented at the meetings repeatedly expressed their belief in the ability and willingness of the public at-large to modify their behavior in the interest of preserving the resources of the Kenai River. Underlying these statements was the assumption that the public clearly understood the consequences of their present actions and what types of changes would be helpful. To this end a public awareness program that includes, at least, the following elements is recommended.

* River reaches which are particularly sensitive to bank erosion should be marked with cautionary signs. Additionally information on the contribution of powerboat operation to induced erosion and the serious consequences of induced erosion could be presented to users through publication in the sport fishing regulations, signs at access points, posters, newspapers, television, etc. [ISSUE J: Page 26]

* Increase public education about the existing "rules of the road." Throughout the public testimony, it was clear that the rules are rarely known; even more rarely followed; almost never enforced. Examples of the rules are:

An anchored vessel has the right of way over all other vessels.

A vessel traveling downstream has the right of way over vessels traveling upstream.

A vessel traveling upstream must make way for all other vessels. [ISSUE I: Page 23]

* Note in publications the fisheries that have most frequently been subject to emergency order closures in the past. [ISSUE F: Page 17]

The Task Force submits these final recommendations with the strong conviction that they need to be adopted, if the Kenai River as it has been known and enjoyed is to be available in the future. The work of the Task Force has revealed concern and support for the River among individuals and agencies, professional biologists and laymen, river residents and visitors and fishermen of all descriptions. Although it is obvious that much of what is proposed will be difficult, it is equally obvious that the value of the resource at stake demands the effort.

APPENDICES