

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2905 SRES HCR 15 - HCR 31

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HCR 15 (Finance)  
 Title Establishing the Joint Oil and Gas Committee  
 Requested by House Finance Date 3/4/83

II. FISCAL DETAIL

Agency Affected Legislative Affairs  
 Program Category Affected Legislature  
 ERU, Program, Or Subprogram(s) Affected Joint Oil and Gas Committee  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0					

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS 0

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Passage of this piece of legislation will not have any fiscal impact. The funding appropriation for the Joint Oil and Gas Committee will be provided in an appropriations bill.

*RHB for Al Adams*

IV. DATE 3/4/83 PREPARED BY Al Adams, Chair  
 AGENCY House Finance Committee  
 PHONE 465-3706  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/82)

HCR

27

IDENTIFICATION:

BILL NUMBER: HCR 27

BILL NAME: Requesting state to collect + use information on trapping for land use planning + land disposal.

SPONSOR(S): Hurlbert

RELATED BILLS PENDING:

DATE INTRODUCED: 4-25-83

REFERRALS: Resources

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

Oxford

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE SUBSTITUTES DRAFTED:

Norm Phillips (AK Trappers) - 452-4753 (Doyon) Bx 60418 - Fbx 99706

Jim Kowalsky, TCC - 452-8253

- ✓ Rep. Hurlbert 3199 ~~Requester~~ Jim Farmer (gave CS 5/24)
- ✓ DNR, Sharon Barton (gave CS 5/24)

# 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

June 10, 1983  
3:10 p.m.

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chair  
Senator Ziegler, Vice Chair  
Senator P. Fischer

Senator Mulcahy  
Senator Sturgulewski

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#### CALENDAR

- HCR 31- Relating to protection and preservation of the Kenai River.
- SB 43 An Act granting homesteads to Alaska citizens; and providing for an effective date.
- SB 102 An Act relating to homesteads; and providing for an effective date.
- HB 130 An Act relating to homesteads; and providing for an effective date.
- HCR 37 Relating to an economic development policy.
- HCR 27 Requesting the state to collect and use information on trapping for land use planning and land disposal.

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#### HCR 31

Representative Fritz, sponsor of HCR 31, explained why the resolution is needed and urged its passage.

Senator Gilman supported the bill, and pointed out that the resolution will not solve the problems of the Kenai River, but will more succinctly identify them.

There was discussion of fiscal notes, the need for a Senate letter of intent, and regulatory power.

Jay Hogan, director of the Office of Management and Budget Governmental Coordination, said the Administration supports the resolution and stated that necessary work could be done between departments with existing funds.

Randy Bayliss, Department of Environmental Conservation, supported the intent of the resolution.

Senator Fahrenkamp said the bill would be held until Monday, 6/13.

#### HB 130, SB 43, and SB 130

Sharon Barton, Department of Natural Resources, explained how a homestead program would fit in with current land disposal programs offered by the State. She addressed the provisions of the proposed committee substitute for HB 130, and recommended a lottery be used to limit the number of stakers in some areas.

Doug Wood, Alaska Environmental Lobby, encouraged study of whether a homestead program is necessary and urged a restriction on conveyance to limit speculation.

#### HCR 37

Dave Gray, Resource Development Council, supported the resolution.

Senator Sturgulewski moved to report HCR 37 out of committee with individual recommendations. The motion passed without objection.

#### HCR 27

Senator Fahrenkamp said HCR 27 would be held over until Monday.

The meeting was adjourned at 4:00 p.m.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, CR., 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

June 13, 1983  
3:04 p.m.

Beltz Room  
Room 211, Capitol

### MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski
Senator P. Fischer	

### CALENDAR

- HCR 31 Relating to protection and preservation of the Kenai River.
- HCR 27 Requesting the state to collect and use information on trapping for land use planning and land disposal.
- HB 130 An Act relating to homesteads; and providing for an effective date.
- SB 219 An Act relating to the processing of permits by state agencies; and providing for an effective date.

### HCR 31

Representative Fritz, sponsor of the resolution, encouraged support of the resolution, and proposed deleting the last resolve clause in the measure in order to remove the fiscal impact.

Jay Nelson, Alaska Environmental Lobby, said that the Kenai Peninsula Conservation Society and the Katchemak Bay Conservation Society both favored the resolution, and he encouraged passage of the measure.

Senator Mulcahy moved that lines 18-22, page 2, be deleted, and asked unanimous consent. The motion passed without objection.

Senator Mulcahy moved that the Resources Committee Substitute be adopted and reported out with individual recommendations. The motion passed without objection.

HCR 27

Sandra Schubert, Resources Committee staff, explained the differences between the proposed committee substitute and the original resolution.

Kay Wallace, staff to Representative Hurlbert, said the Representative supported the committee substitute and encouraged the Committee's support.

Senator Mulcahy moved that the Resources Committee Substitute be reported out of Committee with individual recommendations. The motion passed without objection.

HB 130

Pat Pourchot, Resources Committee aide, explained the proposed committee substitute. He outlined requirements for homesteads and obtaining patent. He said the committee substitute tried to simplify and combine a homestead program and the existing remote parcel program. He explained an amendment proposed by the Department of Natural Resources which would allow the Department to limit the number of stakers in a lottery, when necessary.

Representative Rick Uehling, sponsor of the bill, said, in reference to DNR's proposed amendment, that the House would prefer a land-rush approach rather than restricting lotteries.

Senator Vic Fischer moved adoption of DNR's proposed amendment. The motion passed without objection.

Senator Mulcahy moved the amended Resources Committee Substitute be reported out of committee with individual recommendations. The motion passed without objection.

SB 219

Jim Palmer, Resources Committee aide, explained the proposed committee substitute. The committee discussed the provisions of the measure.

Phil Holdsworth, Alaska Miners Association, hoped that the intent of the language allowing flexibility of time limits (page 2, line

6, draft committee substitute) would mean that processing time could be shortened as well as lengthened. Senator Fahrenkamp said that was the intent.

Senator Mulcahy moved that the proposed committee substitute be adopted and reported out as a Resources Committee Substitute with individual recommendations. The motion passed without objection.

The meeting was adjourned at 3:37 p.m.

I. REQUEST

Bill/Resolution No.: HCR 27  
Title: Information on trapping  
Sponsor: Hurlbert  
Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: DNR  
Program Category Affected: DRD  
BRU, Program or Subprogram(s) Affected: Land use planning

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Sharon Barton  
Division: Commissioner's Office

Phone: 465-2400  
Date: 4-12-83

Approved by Commissioner: Thomas Hurlbert  
Department: NATURAL RESOURCES

Date: 4/14/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

BACKGROUND FOR HCR 27

FROM REPRESENTATIVE VERN HURLBERT'S OFFICE

TRAPPING

HCR 27 IS DESIGNED TO CORRECT A CONDITION THAT EXISTS IN STATE LAND DISPOSAL POLICY, THE NEED TO CONSIDER TRAPPING AS A VALUABLE AND VIABLE USE OF THE LAND, AS IMPORTANT AS AGRICULTURE DEVELOPMENT, WHICH INCREASES WILDLIFE POPULATIONS, AND MORE IMPORTANT THAN DISPOSAL AS HOME SITES, DEVELOPMENT AREAS OR MANY OF THE MINERAL LEASING ACTIVITIES. SO MANY OF THESE THINGS ARE TRANSITORY IN NATURE WHEREAS TRAPPING IS COMPATIBLE WITH NATURE AND CAN BE USED FOR GENERATION AFTER GENERATION.

ALASKA'S HISTORY IS RICH IN TRAPPING LORE AND IS ONE OF THE REASONS THIS LAND WAS OPENED TO EXPLOITATION BY EUROPEAN BASED PEOPLES. NOW THE STATE, IN ITS HASTE TO GIVE AWAY ITS LAND, IS NOT ADEQUATELY CONSIDERING THIS ACTIVITY BEFORE THE DISPOSALS ARE ANNOUNCED. MOST PEOPLE INVOLVED IN TRAPPING IN ALASKA DEPEND ON THE INCOME TO HELP KEEP THEM OFF OF THE PUBLIC AGENCY SUPPORT ROLES.

THE DISREGARD FOR THEIR RIGHTS TO CONTINUE THIS ACTIVITY HAS GOT TO STOP. THIS RESOLUTION IS DESIGNED TO HELP CORRECT THIS OVERSIGHT.

AS MOST TRAPPERS KNOW, IN ANY GIVEN AREA THERE IS USUALLY ONE AREA THAT ACTS AS THE CORE BREEDING AREA FOR THE FUR BEARERS AND SOME OF THE LARGER ANIMAL POPULATIONS. ALLOWING SETTLERS TO MOVE INTO THESE AREAS IS A WAY TO INSURE DESTRUCTION OF THE TRAPPING IN THAT AREA. A CABIN ON

staff note: wording has been altered in the proposed Committee Substitute to reflect the multiple use concept.

A HOME SITE DOES NOT SEEM TO TAKE UP MUCH PHYSICAL SPACE, BUT IT DOES CREATE A LARGE AREA THAT IS CUT OFF FROM USE BY THE WILDLIFE POPULATION. THE MORE MECHANICAL EQUIPMENT, CHAINSAWS, SNOMOBILES, GENERATORS, ETC., THE HOMESTEADER USES THE LARGER THE AREA THE WILDLIFE QUILTS USING. ANOTHER FACTOR IS THAT ONCE THE PERSON IS THERE THEY WILL THEN CLAIM ALL OF THE TRAPPING THEY CAN REACH, REGARDLESS OF THE PEOPLE THAT USED THAT AREA AND THE LENGTH OF TIME THEY MAY HAVE USED IT.

THE ONLY REASONABLE SOLUTION IS TO CONSIDER TRAPPING PRIOR TO MAKING LAND DISPOSALS AND ELIMINATE THE AREAS THAT ARE CRITICAL TO THIS ACTIVITY.

WORKING WITH REGIONAL NONPROFITS TO COLLECT DATA ON TRAPPING AREAS IS ONE WAY OF ENSURING PEOPLES INPUT INTO THE SYSTEM. TO REALLY HAVE ALL OF THE INFORMATION NEEDED EACH VILLAGE, TOWN, OR CITY CLOSE TO A DISPOSAL AREA SHOULD BE CONTACTED AND ASK FOR SPECIFIC COMMENTS ON POTENTIAL AREAS. IF SUGGESTED AREAS ARE NOT ACCEPTABLE THEN ALTERNATE AREAS SHOULD BE SUGGESTED BY THE PEOPLE LIVING IN THE AREA.

THE STATE, AS MANAGER OF THE STATES WILDLIFE RESOURCES, IS REQUIRED TO INSURE VIABLE STOCKS FOR CURRENT AND FUTURE USERS, BY FOLLOWING THE GUIDELINES AS SET OUT IN THIS RESOLUTION IT WILL ASSIST THE STATE IN THEIR JOB.



# ALASKA TRAPPERS ASSOCIATION

P.O. BOX 60418  
FAIRBANKS, ALASKA 99706

March 8, 1983

The Honorable Vernon L. Hurlbert  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Representative Hurlbert:

The Alaska Trappers Association feels it is time for our state to initiate an effective, sound, ongoing statewide furbearer management program. We earnestly seek your support for this vital project.

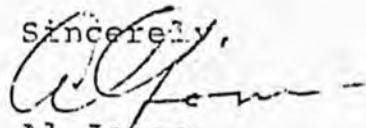
Alaska's history confirms that through the years fur harvest has contributed significantly, not only to our heritage and self sufficiency, but also to our economy. With a comprehensive ongoing fur management program trapping will continue to contribute to industry diversification.

Alaska is the number one producer of lynx, marten, wolf and wolverine pelts nationwide. On pelt value alone, the fur industry contributes 5 to 10 million dollars into our state annually. Spin off markets relating to trapping supplies, food, lodging, air transportation, dog team supplies, and snow machine distributors, to our knowledge have not been tabulated.

We do not suggest that game or non-game programs be curtailed to support fur bearer management. Fur bearer management should be funded as a separate entity within the game division of the Alaska Department of Fish and Game. Neither do we suggest that you simply appropriate general funds to cover this beneficial project. Trappers are willing to help pay for the program through increased license fees and we support legislation to that end. Although we would prefer this program be implemented in its entirety within one year, we have structured the program, so that if necessary, it can be initiated in stages extended over a two year period.

We have enclosed a brief synopsis of our proposed program and would appreciate hearing your views on this project. If you feel it is necessary or beneficial to hold hearings on this matter or meet with representative from the Trappers Association, we will be available at your convenience. Thank you for your time and concern.

Sincerely,



Al Jones  
President

A7:et  
Enclosure

# Alaska State Legislature

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

### Committee on Resources

TO: Senate Resources Committee Members  
FROM: Senate Resources Committee Staff  
RE: Hearing on HCR 27, Trapping  
DATE: June 2, 1983

HCR 27 is designed to ensure that trapping is recognized as an important land use, and is considered in making land use and land disposal decisions. The resolution requests DNR, ADF&G, and other state agencies involved in land use planning to consult with and collect trapping data from user organizations and to consider trapping as an important beneficial use of the land.

The proposed Committee Substitute is supported by the Alaska Trappers' Association, the Tanana Chiefs Conference, and the bill's sponsor. The C.S. does not alter the intent of the original legislation, but better reflects the multiple use concept by removing reference to trapping as a "highest beneficial use" of land.

## INITIAL ANALYSIS

HCR 27 "Requesting the State to Collect and Use Information on Trapping for Land Use Planning and Land Disposal"

The whereas portion of the resolution states that while trapping has traditionally been a major source of income for some Alaskans, the State in its land planning and disposal policies often does not take trapping into account, yet the information is available through several organizations.

The resolves ask that State agencies involved in land use planning consult with trapping and other organizations and gather information on trapping; and that the State consider trapping to be one of the highest beneficial uses of the land.

## Background for HCR 27

From Rep. Vern Hurlbert's office

HCR 27 is designed to correct a condition that exist in current state land disposal policy, the need to consider trapping as a valuable and vivable use of the land, more important than the disposal as home sites, ag land, development areas or many of the mineral leasing activities. So many of these things are transitory in nature whereas trapping is compatible with nature and can be used for generation after generation.

Alaska's history is rich in trapping lore and is one of the reason's this land was opened to exploitation by European based peoples. Now the state, in its haste to give away its land, is not adequately considering this activity before the disposals are announced. Most people involved in trapping in Alaska depend on the income to help keep them off of the public agency support roles.

The disregard for their rights to continue this activity has got to stop. This resolution is designed to help correct this oversight.

As most trappers know, in any given area there is usually one area that acts as the core breeding area for the fur bearers and some of the larger animal populations. Allowing settlers to move into these areas is a way to insure destruction of the trapping in that area. A cabin on a home site does not seem to take up much physical space, but it does

create a large area that is cut off from use by the wildlife population. The more mechanical equipment, chainsaws, sno-mobiles, generators, ect. the homesteader uses the larger the area the wildlife quits using. Another factor is that once the person is there they will then claim all of the trapping they can reach, regardless of the people that used that area and the length of time they may have used it.

The only reasonable solution is to consider trapping prior to making land disposals and eliminate the areas that are critical to this activity.

Working with regional non-profits to collect data on trapping areas is one way of insuring peoples input into the system. To really have all of the information needed each village, town, or city close to a disposal area should be contacted and ask for specific comments on potential areas. If suggested areas are not acceptable then alternate areas should be suggested by the people living in the area.

The state, as manager of the state wildlife resources, is required to insure vivable stocks for current and future users. By following the guidelines as set out in this resolution it will assist the state in their job.

## HCR 27

MY NAME IS JIM FARMER, AIDE TO REPRESENTATIVE HURLBERT,  
THE SPONSOR.

OUR POSITION REMAINS THE SAME AND THE CURRENT COMMITTEE  
SUBSTITUTE WILL NOT DESTROY THE INTENT OF THE RESOLUTION.  
THE SPONSOR CAN SUPPORT IT.

IN YOUR PACKET IS A LETTER FROM THE ALASKA TRAPPERS  
ASSOCIATION. SOME OF THE LINES ARE HIGHLIGHTED. THE POINTS  
MADE IN THESE HIGHLIGHTED PARAGRAPHS ARE IMPORTANT. THEY  
SHOW SOME OF THE BACKGROUND OF WHY ITS CONSIDERED IMPORTANT  
TO THE PEOPLE OF ALASKA.

ADDITIONALLY THE LARGE TYPED PAPERS MARKED "BACKGROUND  
ON HCR 27" PROVIDES THE BALANCE OF OUR JUSTIFICATION. IT IS  
EASIER TO PROVIDE WRITTEN BACKUP RATHER THAN LONG PERSONAL  
TESTIMONY.

WE STRONGLY URGE PASSAGE OF THIS LEGISLATION TO HELP  
INCREASE LAND DISPOSALS. BY CONSIDERING TRAPPING IN THE  
FIRST ROUND OF EVALUATIONS THE LOCAL RESISTANCE CAN BE  
LESSENERED, WHICH WILL ALLOW FOR LESS TIME LCST IN PLANNING  
LAND DISPOSALS WHICH NEVER COME OFF BECAUSE OF LOCAL RESISTANCE.

THANK YOU.

RESOLUTION  
Trapline Documentation & Protection

- WHEREAS, Trappers of Alaska have developed and established use of traplines throughout Alaska;
- WHEREAS, Trappers of Alaska depend upon the continual productivity of their traplines and trapping areas to provide an important element of their overall economic activity;
- WHEREAS, Trapping areas and traplines are threatened everywhere by intrusions such as State and Federal land disposals and surface corridor development,
- WHEREAS, Such intrusions cause competing uses of land supporting fur trapping and intrusions upon existing traplines;

BE IT HEREBY RESOLVED; The McGrath Subregional Advisory Board of the Tanana Chiefs Conference asks that the State of Alaska document, recognize and protect the uses of traplines by Alaska Trappers.

BE IT FURTHER RESOLVED, that the McGrath Subregional Advisory Board of the Tanana Chiefs Conference asks that appropriate actions be taken by the Alaska State Legislature to assure that documentation, recognition, and protection for traplines and trappers be accorded to trappers who traditionally use a trapline.

December 1982

# FANNING '83 TRAPPER of YEAR

THE 1983 TRAPPER OF THE YEAR AWARD was presented to Ken Fanning, of Fairbanks, Alaska. Ken has been active in the Alaska Trappers Association since its inception in 1973, and was a founding father of the organization. Since then, he has served as a Board member several times. An ex-State Legislator, he was actively involved with the D-2 conflict, and often visited Washington, D.C. at his own expense to fight for the rights of his fellow-Alaskans. Today, he remains very active doing liason work between Fairbanks and Juneau, dealing with the new ATA Furbearer Research Proposal and other resource issues. A registered guide and outfitter, he operates a fishing lodge near Yakutat, Alaska. Ken makes his home in the Fairbanks area, and during the trapping season runs a line on the nearby Minto Flats. Alaska is a far better place for outdoorsmen as a result of Ken Fanning's diligence and hard work. We salute him!



## BUCKLE WINNER NAMED

WINNER OF THE GREAT ALASKA TRAPPER BELT BUCKLE CONTEST IS JEFF AUSTIN, OF EAGLE ALASKA. - After much study and deliberation, the Alaska Trappers Association Board Of Directors selected Jeff's sketch as being most representative of what it felt the Buckle should portray. Jeff recieves a lifetime membership in ATA, and, of course, the belt buckle bearing serial #1. On its back, his name will be inscribed as its designer along with a thumbnail sketch of ATA history. All buckles in the series will carry these details. ATA will order 500 of the buckles numbered in sequence. They will be constructed either of brass or pewter, and will retail for approximately \$20 postpaid. It will be about three months until we have the buckles in hand, so be patient till then. The October issue of The Trapper will carry details on how you can order yours. In addition, they will be on sale directly from ATA as soon as we have them and know the exact price. To those members who submitted skecthes and did not win, we wish to thank you for your interest and time. Depending upon demand, there will probably be other buckle contests in other years.

FURBEARER LEGISLATION - The following is a copy of House Concurrent Resolution Number 27 introduced by the honorable Vern Hurlbert, State Representative for House District 24. The Alaska Trappers Association supports this resolution as written, and asks furbearer users statewide to write their representatives urging them to to pass this very important legislation.

THE BOARD OF DIRECTORS  
Alaska Trappers Association

1 IN THE HOUSE BY HURLBERT

2 HOUSE CONCURRENT RESOLUTION NO. 27

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Requesting the state to collect and use  
6 information on trapping for land use  
7 planning, and land disposal.

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

9 WHEREAS a major source of income for a significant number of Alaskans  
10 has historically and traditionally been trapping fur animals; and

11 WHEREAS the land use planning and land disposal policies of the state  
12 often do not adequately take trapping into consideration; and

13 WHEREAS the Alaska Trappers Association, Tanana Chiefs Conference, and  
14 other organizations have considerable information on trapping areas and  
15 animals within the state;

16 BE IT RESOLVED by the Alaska State Legislature that the Department of  
17 Natural Resources, Department of Fish and Game and other state agencies  
18 that are involved in land use planning and land disposal are encouraged and  
19 requested to consult with and collect trapping data from the Alaska  
20 Trapping Association, Tanana Chiefs Conference, and other organizations or  
21 individuals that may have information; and be it

22 FURTHER RESOLVED that the state consider the trapping of fur animals  
23 as one of the highest beneficial uses of the land.

HCR

31

IDENTIFICATION:

BILL NUMBER: ~~HR~~ HCR 31

BILL NAME: Protection & preservation of the Kenai River

SPONSOR(S): Resources Committee

RELATED BILLS PENDING:

DATE INTRODUCED: 5-16-83

REFERRALS: Resources

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR  
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR  
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE  
SUBSTITUTES DRAFTED:

- ✓ Dave Schaadé, Rep. Fritz 4833
- ✓ House Resources - won't testify
- ✓ Jay Nelson, A&L
- ✓ DNR, Shawn Barton 2400
- ✓ ADP&G, Paddy McGuire 4100
- ✓ Jay Hogan, Governmental Coordination 3562

- 2695534
- ✓ Public Safety, Capt. Notgrass
- ✓ Randy Bayliss, DEC ~~2653~~ 2653

FINAL  
STATEMENT OF FINDINGS  
OF THE  
KENAI RIVER TASK FORCE

Submitted:  
MARCH, 1983

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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

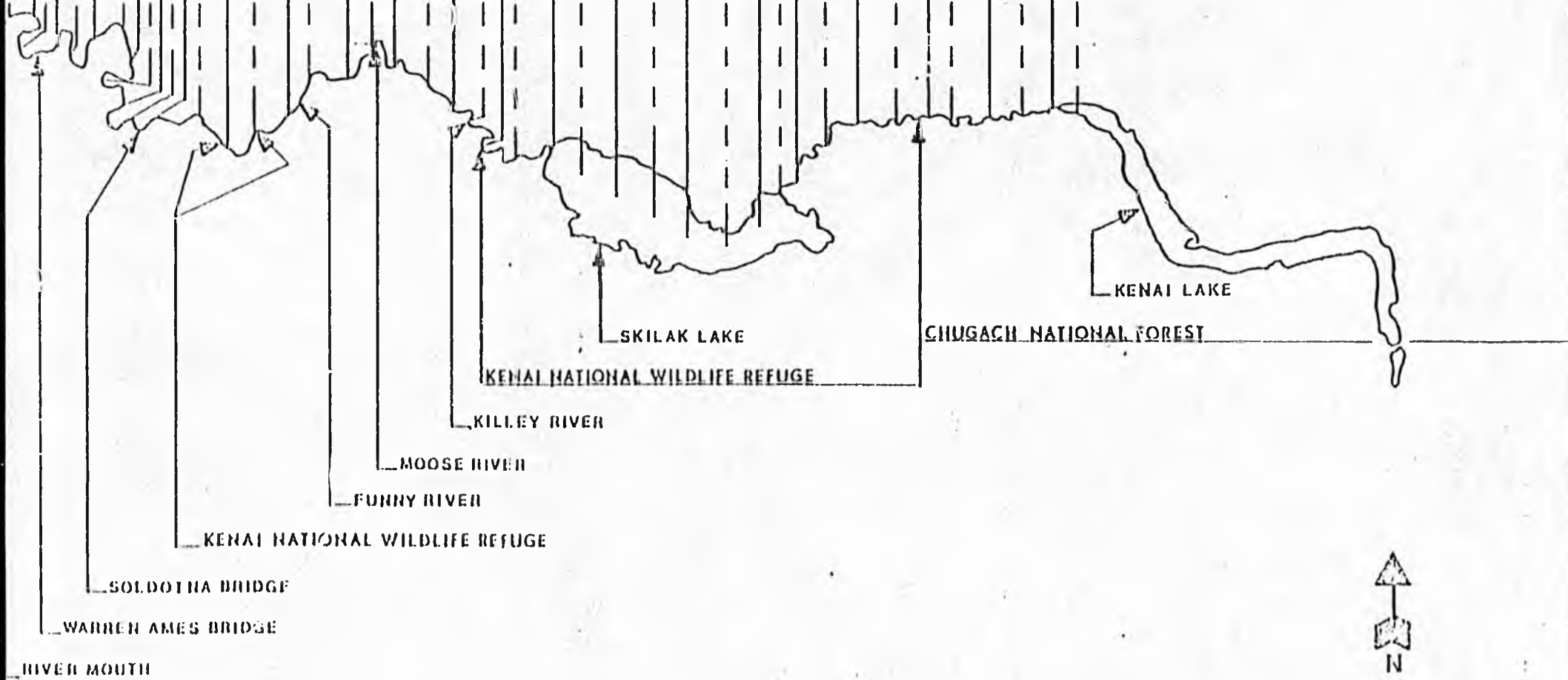
A generally recognized and frequently discussed change in the conditions on the Kenai River and the parallel change in the user experience on the River were crystallized in a January 26, 1982 letter from a Sterling resident to Governor Jay Hammond. The letter expressed a widely held concern for the future 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

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

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



RIVER MOUTH

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 hot 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.

\* \* \* \* \*

## 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.

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FINAL RECOMMENDATION OF THE TASK FORCE ON ISSUE B:

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

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## 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 increases 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.

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FINAL RECOMMENDATIONS OF THE TASK FORCE ON ISSUE D:

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

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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.

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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.

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## 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 RECOMMENDATIONS 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.

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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.

\* \* \* \* \*

## 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, empassioned 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 16:1. 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.

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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

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## 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.

\* \* \* \* \*

## 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 preceded 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.

APPENDICES

## APPENDIX A

### Kenai River Task Force - Joint Working Committee

LeRoy Barton	Biology/Habitat Subcommittee
Dale Bondurant	Biology/Habitat Subcommittee
Bix Bonney (Anchorage)	Social/Enforcement Subcommittee
Irv Carlisle (Soldotna)	Biology/Habitat Subcommittee
Robert Delaney (Soldotna)	Biology/Habitat Subcommittee
Willard Dunham (Seward)	Social/Enforcement Subcommittee
Ken Florey (Anchorage)	KRTF Alternate Chairman
Harry Gaines (Kenai)	Social/Enforcement Subcommittee
Keith Goltz (Anchorage)	Social/Enforcement Subcommittee
Floyd Heimbuch (Soldotna)	Social/Enforcement Subcommittee
Sid Logan (Soldotna)	Biology/Habitat Subcommittee
William Lyle (Wasilla)	Social/Enforcement Subcommittee
Thomas Mears (Soldotna)	Biology/Habitat Subcommittee
Ralph Pott (Sterling)	Biology/Habitat Subcommittee
R. Russell Redick (Anchorage)	KRTF Chairman
Steve Reynolds (Soldotna)	Social/Enforcement Subcommittee

## APPENDIX B

### Public Meetings

(Does not include subcommittee working sessions)

October 6, 1982	Soldotna	KRTF Organizational Meeting
October 15, 1982	Soldotna	Joint Working Committee - Public Input
October 20, 1982	Anchorage	Joint Working Committee - Public Input
November 5, 1982	Anchorage	Joint Working Committee - Agency Input
January 8, 1983	Soldotna	Joint Working Committee - Working Session
January 15, 1983	Anchorage	Joint Working Committee - Working Session
February 17, 1983	Soldotna	KRTF Working Session
March 2, 1983	Anchorage	Joint Working Committee - Public Meeting
March 4, 1983	Soldotna	Joint Working Committee - Public Meeting
March 12, 1983	Anchorage	Joint Working Committee - Final Working Session

## APPENDIX C

### Participants

(Signed in at ~~at~~ least one of the public meetings)

Larry Abbott	Anchorage	Loretta Breeden	Kenai
Ruth Abbott	Anchorage	Ray L. Brickey	Soldotna
Donald L. Akers	Anchorage	Myron Briscoe	Soldotna
Jack Alexander	Anchorage	Mick Brogan	Anchorage
C. Allison	Anchorage	Don Brown	Soldotna
Bill Allman	Anchorage	E.L. Brown	Anchorage
Richard Ames	Anchorage	Randall L. Brown	Anchorage
Pamela E. Anderson	Anchorage	James Browning	Soldotna
Tom Anderson	Soldotna	Ken Buettner	Anchorage
John W. Andrews	Anchorage	Joe Burkevich	Anchorage
Fred Angleton	Soldotna	Judy Burkevich	Anchorage
Jack Armstrong	Anchorage	Carl Butcher	Soldotna
Harry Arnes	Anchorage	Michael Butler	Anchorage
Walt Arthur	Anchorage	Richard Buzby	Anchorage
Gene Augustine	Anchorage	Glen Byrns	Soldotna
John D.L. Bailey, Jr.	Anchorage	H. Callohan	Soldotna
William Bancroft	Anchorage	Tom Cannon	Anchorage
Thomas W. Barber	Anchorage	Carla Carlisle	Soldotna
Larry Barnes	Anchorage	Ted Carson	Soldotna
Shirlee A. Baughman	Soldotna	James K. Cash	Anchorage
Randy J. Berg	Soldotna	Albert C. Cedros	Anchorage
Timothy R. Berg	Soldotna	James Chadwick	Anchorage
Marv Bish	Anchorage	Chiseko Chapin	Anchorage
Conrad Bitter	Anchorage	Wally Chapin	Anchorage
Daisy Lee Bitter	Anchorage	Ron Chappell	Kenai
Mike Blair	Anchorage	Jim Cikanek	Anchorage
Floyd Blossom	Ninilchik	Dayne L. Clark	Soldotna
Greg Boe (sp.)	Anchorage	Carl T. Cline	Anchorage
Charles Booker	Anchorage	Alfred Coimeyer	Anchorage
John Booker	Anchorage	Laura Cofmeyer	Anchorage
Jean Booth	Soldotna	Dave Coker	Soldotna
Steve Booth, Jr.	Soldotna	Lt.J.G. Bryan Colver	Kenai
W.R. Bowman	Anchorage	Don R. Colwell	Anchorage
Paul A. Boyden	Anchorage	Charles C. Conides	Anchorage
Harold Braspeninckx	Anchorage	Joseph F. Connors	Anchorage
Geff Breakfield	Anchorage	Tom Corr	Soldotna
Thomas Breaux	Anchorage		

Frank Cortez	Anchorage	J.V. Graham	Anchorage
Jay L. Cowdery	Anchorage	M.O. Graham	Anchorage
Gunars Cukurs	Anchorage	Mike Grant	Sutton
Mick Cukurs	Anchorage	Jerry E. Gray	Soldotna
Roland L. Cusson	Soldotna	Jerry Greenland	Anchorage
Spike Dale	Soldotna	Q.L. Grickey	Soldotna
William W. Dawson	Anchorage	E.J. Haemer	Anchorage
John Dayton	Anchorage	Erioc Halverson	Anchorage
William E. Deal	Anchorage	James Hamilton	Soldotna
Jim Delaney	Anchorage	Max Hamilton	Cooper
Allen Dettmer	Soldotna		Landing
Michael Devine	Anchorage	M.G. Hampton	Kenai
Robert Dewitt	Anchorage	Ron Hanson	Anchorage
Robert C. Dickfoss	Anchorage	Steve Hanson	Anchorage
Dickson family	Soldotna	Dave Haplin (sp.)	Soldotna
Robert L. Ditton	Homer	Larry W. Harris	Anchorage
John Drozdowski	Anchorage	Loren W. Harris	Anchorage
R.L. Dubois	Soldotna	Bill Hauser	Anchorage
Mark Duga	Anchorage	Kelly Hepler	Anchorage
Gerald C. Eddy	Eagle River	John J. Herd	Anchorage
Duane F. Edelman	Soldotna	Ronald E. Herdon	Anchorage
George W. Edsell	Anchorage	Roy A. Herdon	Anchorage
Gerald Edwards	Eagle River	Mary Kaye Hession	Anchorage
Merle Eiber	Sterling	Virginia D. Hilliker	Anchorage
Brent Elkins	Anchorage	Tim Hiner	Soldotna
Bob Engelheart	Soldotna	T.J. Hinkle	Kenai
Robert Estus	Anchorage	Ted Hoeger	Soldotna
Ivan E. Every	Kenai	Linda Hoeger	Soldotna
Damon R. Farmer	Anchorage	Elizabeth J. Hoflich	Anchorage
Jane Fellman	Soldotna	Jacquelyn B. Hoflich	Anchorage
Jim Fellman	Soldotna	Warren C. Hoflich	Anchorage
Lew Fields	Sterling	Warren C. Hoflich, Jr.	Anchorage
James Finn	Kenai	Don Holmes	Anchorage
E. Glynn Fish	Anchorage	Norm Howse	Anchorage
Hunter Fisher	Anchorage	David Hubbard	Anchorage
Loren Flagg	Soldotna	Gerald Humphrey	Anchorage
Steve Flascher	Anchorage	Bob Hunter	Anchorage
Harry Franzen	Anchorage	Dotty Hurd	Anchorage
Wayne Fredon	Eagle River	Elmer Hurd	Anchorage
Leo T. Frelin	Anchorage	Marvin Huske	Anchorage
Gary Galbraith	Cooper	Mike Huske	Anchorage
	Landing	Gerald M. Ide	Anchorage
Bill Garry	Soldotna	George A. Ioanin	Anchorage
Bill Gavin	Soldotna	John Iverson	Anchorage
B.O. Geller	Kenai	Robert Jackson	Anchorage
Bob Gerdon	Anchorage	Robert James	Anchorage
Mary L. Gerdon	Anchorage	Rod James	Soldotna
R.L. Gerdon	Anchorage	M.T. Jennings	Chugiak
Shirley Gerdon	Anchorage	R. Andy Johnson	Kenai
Frank Getty	Kenai	Rick Johnston	Soldotna
Allan L. Gillis	Anchorage	Benny Joy	Anchorage
Linda K. Gintoli	Kenai	Miles Kennedy	Kenai
Chris Goll	Anchorage	Virginia Kennedy	Kenai
Harold P. Goodnight	Anchorage	John L. Kent (sp.)	Anchorage

Jack C. King	Anchorage	Dr. Tom Munger	Anchorage
Jeff King	Soldotna	Joseph Z. Napp (sp.)	Anchorage
Roger W. Klepinger	Anchorage	Keith Nichols	Soldotna
Bruce Koffler	Anchorage	Jon R. Nickles	Anchorage
Tom Kolasinski	Anchorage	Dennis Yogi Nielsen	Anchorage
Richard H. Kosonen	Anchorage	Paul Nixon	Anchorage
Otis Kuri (sp.)	Anchorage	Jim Nutgrass	Anchorage
Dean Kvasnikoff	Ninilchik	Leo T. Oberts	Kenai
William Kytte	Anchorage	Cherri C. Odens	Anchorage
Edna G. Lee	Anchorage	Gary L. Odens	Anchorage
Wilbur L. Lee	Anchorage	Robert E. Olson	Anchorage
Dennis Lennill	Anchorage	Beverly Orr	Anchorage
Babi Jean Lentz	Soldotna	David J. Orr	Eagle River
Frank Lentz	Soldotna	Gary Orr	Anchorage
John H. Lewis	Anchorage	Gene Orr	Anchorage
Thomas Lindow	Anchorage	Helen Orr	Anchorage
Bill Lindsey	Anchorage	Ken Orr	Anchorage
Violet M. Loescher	Chugiak	John Osgood	Anchorage
Janet A. Loper	Kenai	Gordy Paddock	Anchorage
Frank Loperena	Soldotna	Les Palmer	Sterling
Betty Lowery	Anchorage	Wilson Pang	Soldotna
Dave Lowery	Anchorage	James Parker	Anchorage
David J. Marquis	Anchorage	Katherine Parker	Soldotna
Joyce Marquis	Anchorage	R.L. Parker, Jr.	Soldotna
Dennis McConnell	Soldotna	Jim Patka	Anchorage
Trin McConnell	Soldotna	Ellen Patson	Anchorage
Roy D. McFadden	Anchorage	Elmer Patson	Anchorage
Levi T. McFarland	Anchorage	James H. Patterson	Anchorage
David McGillivary	Anchorage	Kyle M. Payne	Anchorage
Frank McIlhargey	Soldotna	Max Pease	Anchorage
Don McKay	Anchorage	Richard D. Pennington	Anchorage
Charles C. McKelvey	Anchorage	Andrew P. Penyak	Eagle River
Virginia R. McKelvey	Anchorage	E.M. Pepin	Anchorage
Lawrence B. McLain	Anchorage	L.A. Pepin	Anchorage
Marilyn McLain	Anchorage	Tod Peterson	Soldotna
Paul Z. Mead	Anchorage	Donn H. Petty	Anchorage
Steve Meyer	Kenai	Diana L. Pfeiffer	Anchorage
Don Miessner	Sterling	Paul Pfeiffer	Anchorage
Chuck Milewski	Anchorage	Grant Phillips	Kenai
Burton A. Miller	Anchorage	Mitchell H. Pike	Anchorage
Suzanne E. Millington	Soldotna	Dennis Pittina	Eagle River
Allen Moma	Anchorage	Marvin R. Posey	Anchorage
Larry G. Monson	Anchorage	Jane Potter	Anchorage
Michael M. Moore	Anchorage	Leroy Potter	Anchorage
Charles S. Morgan	Anchorage	Vern L. Powell	Anchorage
Rose A. Morgan	Anchorage	Jim Preston	Anchorage
Robert I. Morrell	Sterling	Kellv Preston	Anchorage
C.R. Morrison	Soldotna	Sherry D. Price	Anchorage
Viola Morrison	Soldotna	Bing Prichard	Soldotna
Bill Moulton	Anchorage	James Pruett	Anchorage
Howard Mulanax	Anchorage	Dan Raber	Anchorage
Frank Mullen	Soldotna	George Rakos	Anchorage
Earl Mundell	Soldotna	Linda Rexwinkel	Anchorage
Joanne Munger	Anchorage	Joel A. Rice	Kenai

Jim Richardson	Anchorage	Brian Stuart	Anchorage
Tom Rickard	Soldotna	Larry Suiter	Sterling
Jerry Rigler	Anchorage	Sheary Suiter	Sterling
Arthur R. Rindahl	Sterling	Bob Swain	Anchorage
David G. Rippee	Anchorage	Elizabeth A. Swartz	Anchorage
David S. Ritz	Palmer	Ron Swingle	Anchorage
Lester Robinson	Anchorage	Jim Tallerico	Anchorage
Terry R. Robinson	Anchorage	Dave Tanner	Anchorage
John B. Rodgers	Kenai	Kenneth Tarbox	Soldotna
Ray Rodgers	Anchorage	Evelyn Taulman	Anchorage
Harold Rohrscheib	Anchorage	John Taulman	Anchorage
Mike Rose	Anchorage	Elsye Taylor	Cooper
John Rudd	Anchorage		Landing
Paul Ruesch	Soldotna	Russ Taylor	Cooper
Randall J. Russ	Anchorage		Landing
Bonnie M. Ryar	Anchorage	Larry Teague	Eagle River
Robert R. Ryan	Anchorage	Joan M. Thayer	Anchorage
Karen B. Saunders	Anchorage	Willis J. Thayer	Anchorage
George W. Savin (sp.)	Soldotna	Dean Thompson	Anchorage
Bob Saxton	Soldotna	Gerald Thompson	Anchorage
A.T. Schmidt	Anchorage	Gloria J. Thompson	Anchorage
Rodger E. Schmidt	Kenai	M.W. (Tommy) Thompson	Kenai
John Schommer	Anchorage	Robert J. Thompson	Anchorage
Ruth Schommer	Anchorage	Carlton W. Thorpe, Jr.	Anchorage
Al Scouler	Soldotna	Bobby L. Thrasher	Anchorage
Steve Shaffer	Anchorage	Charlotte A. Thrasher	Anchorage
Ben Sherbahn	Anchorage	Emma Toler	Anchorage
Didi Sigurdsson	Anchorage	Kent Tribelhorn	Anchorage
Jonas Sigurdsson	Anchorage	Allyn G. Urlso (sp.)	Anchorage
Dan Sisson	Anchorage	G.R. VanLuchene	Anchorage
Donald I. Smith	Soldotna	Larry VanRay	Kenai
Fred Smith	Anchorage	Fred VanTress	Anchorage
M.M. Smith	Anchorage	Peggy VanTress	Anchorage
Mary Smith	Anchorage	Steven Vroman	Sterling
Ron Smith	Anchorage	Ohmer W. Waer	Anchorage
Leroy Sowl	Anchorage	G. Lee Waldroup	Anchorage
Drew Sparlin	Kenai	Thomas Walker	Kenai
Roger D. Spencer	Anchorage	W.J. Wellenstein	Anchorage
Capt. Ray Spoltman	Anchorage	Tom Wellman	Anchorage
Freelon F. Stanberry	Anchorage	Fred West	Soldotna
Charles Steckman	Anchorage	Patrick W. Westphall	Anchorage
Martie Steckman	Anchorage	David Whetzel	Anchorage
David Stephens	Anchorage	Harry Whetzel	Anchorage
Floyd Stephenson	Anchorage	Judy Whetzel	Anchorage
Susan C. Stephenson	Anchorage	Alfred M. White	Sterling
George C. Sterbenz	Anchorage	Bruce Whited	Anchorage
George P. Sterbenz	Anchorage	Jack Wiles	Anchorage
Thomas G. Stevens	Anchorage	Karen Wiley	Juneau
Meryl Stewart	Anchorage	Allen G. Wilson	Anchorage
Bob Stickles	Anchorage	Walt Wilson	Soldotna
Carol Stolpe	Anchorage	Cheryl G. Wuker (sp.)	Anchorage
John Stolpe	Anchorage	David L. Wynkoop	Soldotna
Willis M. Stowers	Anchorage	John Yeager	Kenai
David Stringer	Anchorage	Dan Zivanich	Anchorage

**NOTE:**

In addition to the 392 names listed above, the Task Force received over 200 petition signatures predominantly from people in Cooper Landing who did not attend any of the meetings. There were a significant number of attendees at the public meetings who did not sign the attendance sheets. Finally nearly 400 individuals filled out and returned comment forms, and a portion of those were non-repetitive participants.

Representative Milo Fritz  
District 5  
P.O. Box 158  
Anchor Point, Alaska 99556  
(907) 235-8366



While in Juneau  
Pouch V  
Juneau, Alaska 99811  
(907) 465-4833

MEMORANDUM

House of Representatives

MILO FRITZ

TO: Representative Al Adams  
Chairman, House Finance Committee

FROM: Representative Milo H. Fritz

DATE: May 12, 1983

RE: HCR 31, "Relating to protection and preservation of the Kenai River."

One of the world-renowned salmon-fishing streams is the Kenai River. Because of the never-ending struggle between commercial fishermen in Cook Inlet and sports fishermen on the river, jurisdictional disputes between the Department of Public Safety, the Coast Guard, and the enforcement arm of the Department of Fish and Game are common. In the appended report, there is overlapping authority of 20 different agencies, none of which has authority to establish rules for the proper use of this stream. Therefore, the future of the river as a sport, commercial, and tourist resource is in grave jeopardy.

While departments and divisions wrangle, the commercial fishing lowers escapement of salmon up the Kenai River to their spawning bed, excessive sports fishing decimates fish still further, and the presence of guides and others in excessive numbers using power boats not only erode the banks and disturb the fishing ground, but also make this hitherto quiet retreat into a commercial bedlam.

CSHB 278, "An Act establishing a Kenai River Commission," is a proposed course of action to save the Kenai River as a resource. However, during committee hearings in the House Resources Committee, it became apparent that the Sheffield administration was against setting up a Kenai River Commission. Mr. Jay Hogan, speaking for the administration, proposed setting up an agency task force to solve the problem with legislative support in the form of a resolution. HCR 31 asks that the state agencies immediately review the problem, take what emergency measures are necessary, and then study the problems of the Kenai River. They will be requested to report back to the second session of the Thirteenth Alaska State Legislature.

Representative Al Adams

Page 2

May 12, 1983

I am in complete support of the resolution, and urge immediate consideration of this urgent issue.

dss

# 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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## Senate

### Committee on Resources

TO: Senate Resources Committee Members  
FROM: Senate Resources Committee Staff  
RE: Hearing on HCR 31, Kenai River  
DATE: June 2, 1983

HCR 31 is intended to address existing and potential conflicting uses of the Kenai River. Both the Kenai River State Park Units Master Plan and the Kenai River Task Force Final Plan stressed the need for a lead group or authority to coordinate programs and activities on the river and resolve conflicts in an effort to protect the river's natural systems.

To this end, HCR 31 does the following:

- 1) Requests the Governor to organize representatives of DEC, ADF&G, DNR and Public Safety to study and report to the legislature on how to best regulate usage of the Kenai River.
- 2) Requests that these agencies adopt regulations, including emergency regulations, to correct the immediate problems on the Kenai River.

The fiscal note on the bill is zero, as the report will be done under the existing coordination system of OMB. Discussions with the Department of Public Safety indicate that current staff (one trooper and two Fish and Wildlife Protection officers) will be assigned to the river this summer to enforce existing regulations.

There are three grammatical errors in the bill, which have been brought to the drafter's attention and can be corrected without amendment:

p. 1, line 9	(is)	<u>it</u>
p. 1, line 19	(have)	<u>has</u>
p. 2, line 2	others	<u>          </u>



I. REQUEST

Bill/Resolution No.: HCR 31  
 Title: Protection of Kenai River  
 Sponsor: Resources  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: DEC  
 Program Category Affected: Water Quality  
 BRU, Program of Suoprogram(s) Affected: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES			57.0	60.0	63.0	66.0
200 TRAVEL		5.0	5.0	5.0	6.0	6.0
300 CONTRACTUAL		62.0	2.0	2.0	3.0	3.0
400 COMMODITIES		1.0	1.0	1.0	1.0	1.0
500 EQUIPMENT			1.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		68.0	66.0	68.0	73.0	76.0

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		68.0	66.0	68.0	73.0	76.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME			1.5	1.5	1.5	1.5
PART-TIME						
TEMPORARY		1.75				
	0	1.75	1.5	1.5	1.5	1.5

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Randy Bavliss Phone: 465-2653  
 Division: EOM Date: 6/1/83

Approved by Commissioner: Richard A. Niemi Date: 6/7/83  
 Department: 17121

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

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MEMORANDUM

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Representative Al Adams

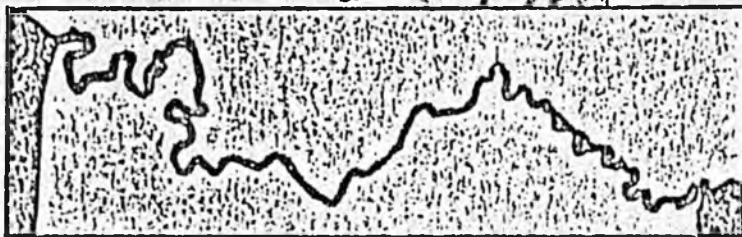
Page 2

May 12, 1983

I am in complete support of the resolution, and urge immediate consideration of this urgent issue.

dss

# KENAL RIVER STATE PARK UNITS MASTER PLAN



## ANALYSIS AND EVALUATION

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

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

### Overall River Management

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

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

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

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

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

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

## Spectrum of Recreational Opportunities

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

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

Figure 22. SELECTED AGENCIES HAVING RESPONSIBILITIES ALONG THE KENAI RIVER

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

Source: Alaska Division of Parks

HCR 31

FINAL  
STATEMENT OF FINDINGS  
OF THE  
KENAI RIVER TASK FORCE

Submitted:  
MARCH, 1983

## 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.

## 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.