

**Minutes of the Meeting of the K-Beach High Water Drainage Task Force
March 23, 2015 at 6pm – 8:30pm
Cook Inlet Aquaculture Association
40610 Kallifornsky Beach Road, Kenai, Alaska**

The meeting was called to order at 6:05pm by Co-Chairperson Jim Munter (Co-Chair). Co-Chair called for a moment of silence for the members of the missing family which news reported has been found.

Co-Chair welcomed meeting attendees and reminded attendees to sign in on the sign-up sheet.

Co-Chair presented the draft agenda for review and approval. Dave Yragui moved to approve the draft agenda and Peggy Dye seconded the motion. Co-Chair requested the following changes to the draft agenda during discussion: add item "5a. Co-Chair Topic"; rename item "8. Correspondence and Meetings"; and add item "14a. New Business". Dave Yragui amended his motion to include the changes. Peggy Dye amended her second to include the changes. There was no discussion. The amended motion passed unanimously.

Task Force members and meeting attendees introduced themselves per Co-Chair request. Appreciation was given to Cook Inlet Aquaculture Association (CIAA) for allowing the Task Force to meet in its facility. Agency representatives were recognized and welcomed as attendees: Alyssa Murphy from Alaska Department of Environmental Conservation (ADEC); Dave Schade from Division of Natural Resources (DNR); Andy Mitzel from United States Army Corps of Engineers (USACE); three Kenai Peninsula Borough (KPB) Assemblymen Kelly Wolfe, Stan Welles, and Brent Johnson; and Kelly Lipinski from nonprofit K-Beach Flood Mitigation Project (KBFMP).

Co-Chair announced that the Task Force is open to new members and encouraged volunteers to join the Task Force or contact him after the meeting. No volunteers at this time.

Co-Chair asked for a volunteer to be Co-Chair to relieve Toby Burke. There were no volunteers, and Toby Burke agreed to serve as Co-Chair for now.

Co-Chair invited elected local representatives to speak.

KPB Assemblyman Stan Welles stated that he came to listen, yet he thinks it is a shame this hasn't been addressed a long time ago. He stated that he is fairly new to the KPB Assembly, with 20 years in Homer and 2 years in the Sterling area. He stated that he recently got introduced to this situation, got his barn boots on, and has made some trips to affected areas. He is appalled that we as a borough do not have a drainage plan for affected areas. He is an aerospace engineer by trade and gave a brief personal history related to his engineering experience. He stated that he can communicate and relate to the work that Jim Munter has done. Having read the Munter hydrology report and being on the ground, Mr. Welles stated that he is "exceedingly impressed with the quality of the geologist/hydrologist that the Task Force has chosen to work with." He stated that he is very impressed with the analysis that is going on and concurs hardily with it. He did extend an invite to the rest of the Assembly and sent out a copy of Jim Munter's hydrology report to all, but it was short notice. "A tour is being set up for the Assembly folk to get tuned up with what has happened, because this: A. should have never gotten this far; and B. should have been acted on long before now. Frankly, there are challenges getting the votes needed. Assembly is trying very, very, hard to work with the facts and not with the emotions."

Dave Schade from DNR acknowledged that he has briefed the highest levels of the agency. He reported that DNR has received the temporary use application on the proposed Seventh Street Storm Water Conveyance Structure Project and it is being reviewed at the highest levels of DNR. He spent the day talking to agencies and looking at the affected areas.

Andy Mitzel from USACE regulatory office explained that his department regulates (under Section 404 the Clean Water Act) placement of fill underwater in the U.S. and what that means in English is "if you are working in a wetlands, stream or creek, you are more than likely going to need a permit from us. Basically, we need to figure

out what the grand plan is; is there going to be discharge into waters, then once when you get to a description of the project I can throw my two cents worth on different permits that would be needed. Our permitting process does involve talking to the public and getting public comments and review.”

Alyssa Murphy from the ADEC drinking water program reported that she was in attendance in order to be available for any questions or concerns about private water wells being compromised and how to disinfect affected wells.

Reports from additional representatives of agencies continued with Kelly Lipinski from KBFMP stating that she would talk later per agenda.

KPB Assemblyman Kelly Wolfe stated that he was in attendance primarily to listen.

Co-Chair thanked representatives for their comments and reports.

Co-Chair asked for review and a motion to approve minutes from the February 23, 2015 Task Force meeting. Colleen Bass moved to approve the minutes and Toby Burke seconded the motion. Discussion followed and the minutes were approved unanimously.

Co-Chair introduced the topic of correspondence and meetings. Co-Chair received a response letter from DNR signed by Mark Myers, Commissioner, dated February 20, 2015 addressed to Toby Burke on the August 2014 petition regarding K-Beach Flood Relief Task Force. The DNR letter basically indicates that the DNR did not see the need to create a DNR Task Force since our Task Force has already been formed, but that DNR supports the work of this group, as evidenced by Dave Schade attending our meetings, and so it was a positive letter.

Another letter addressed to the affected residents Buoy Avenue project from KPB Mayor Navarre and Pat Malone dated November 17, 2014.

Another letter from Daniel and Theresa Sterchi regarding events that transpired down near their property 25 years ago with a high water situation and eventually the water found an old buried culvert under K-Beach Road near the end of Buoy and did some damage to property.

Another letter related to the storm drain project which Kelly is aware of and apparently is not Task Force business right now.

Co-Chair did send a letter of which he did not bring a copy to the meeting addressed to Paul Ostrander, KPB Chief of Staff, whereby Co-Chair invited the borough to come and make a presentation related to Buoy Street project, because that was one that received comments at the last meeting. Co-Chair was hoping to go back and recount our progress on those low hanging fruit culvert drainage projects and the place to start would be to invite the borough to come and tell us about their project.

Topic of meetings of any substance to report was opened by Co-Chair. Dave Yragui thanked attendee Mr. Emery Thibodeau and his brother for their letter of permission to construct the Seventh Street Drainage Project across their two properties. RCMS and Mountain Meadows gave permission also and the only two property owners left to receive permission from are: one owner next to the drainage structure at Eider Street and KPB. Co-Chair received a copy of the Thibodeau letter. Discussion followed with comments from Mr. Thibodeau regarding east and west property owners of the project section line.

Co-Chair discussed a meeting he had last week with Mark Myers, Commissioner of DNR, and Deputy Commissioner Ed Fogels, which was reportedly a good brain storming session.

Peggy Dye made a motion that the email list of attendees and Task Force would be made available to Kelly Lipinski in order for email out of the KBFMP April Newsletter. Colleen Bass seconded the motion. No discussion and the motion passed unanimously.

Local/small scale committee member Dave Yragui gave an updated version of culvert projects presented on the wall map of affected areas. Red dots represent problem areas, and yellow lines designate potential drainage improvements on the map. Mr. Yragui reported that the Seventh Street Drainage Structure Project needs to be constructed prior to the other roads in Poppy Lane/Poppy Woods Subdivisions projects, due to the need to be able to move water to Cook Inlet or to Kenai River with intended effect. There is only one culvert on Chine Street installed in the last year and a half at this time that actually moves water to the river or to the inlet. The culvert was described as 18" in diameter, 170' long and half full of sand right now. That should give the attendees a better idea of the magnitude of the problem right now. Nothing else done has been effective in the way of drainage and Mr. Yragui reports that the reason is because there has been no drainage engineering involvement by any government agency. The proposed Seventh Street Storm Drainage Structure Project is the only drainage project that has the hydrology, the hydraulic calculations, and the drainage engineer input throughout development that all agree it is a do-able project.

Colleen Bass reported that she drove the Lori Jo Street, Daisy Avenue and other roads in the affected areas and noticed that Mistral Street, Scott Avenue, and other nearby roads have no culverts/ditches. She wonders how to get the water to the river due to flat appearance of the land topography.

Dave Yragui commented that he has shot elevations and that the water is all going southeast to the northwest. And water well drillers in the area agree. "The elevation on Daisy Avenue is 22' higher than at the entrance to the airpark. We know that for a fact. Daisy Avenue is 2-1/2' higher than Lori Jo Street and Scott Avenue. The elevation on the east side of Lori Jo is higher than it is on the other side of Scott Avenue; so we know which way the water flows. 2013 sheet water was witnessed flowing over the road into the wetlands complex designated on the wall map."

Mr. Yragui described the basics of the proposed ditch construction project and how once constructed, it will move water with intended effect to the river. Then the above mentioned small road drainage projects, once completed, would move water to this proposed drainage structure area, and thereby be drained off to the river as well. It was reported that surveyors are on site presently. The SWEPP plan is being developed, and the project could potentially go forward next Tuesday, if permitted.

Co-Chair introduced the topic of the Feasibility Study for the whole area, and that the Feasibility Study would provide more answers to questions if it was done.

Mr. Yragui encouraged attendees to become more active to bring about more awareness to the severity of the problem.

Toby Burke reported that the original engineering called for 30" culverts on the Buoy Project. The borough decided that they were not moving the gas line, so they could not bury 30" culverts, therefore there were two 18" culverts installed and as one goes up Buoy, only one 18" culvert. Now these culverts are getting tremendous ice damage. Culverts are damming and water is backing up. Will these 18" culverts that arbitrarily replaced the engineered 30" culverts hold up to the weather effects that they were not designed to handle? "We were never told of this. One day there was a 30" culvert off loaded on my property and the next day it was gone it was replaced by an 18" culvert and when I questioned what was happening I was told that the gas line was in the way and it was not planned to be moved. Some of these places may need for two 18" culverts to be installed. In the meantime we have dammed culverts and it is going up the line now. The water may go over driveways, flooding peoples' property, since the road has been built up so higher than everything."

Dave Yragui mentioned that from what he has seen, there has been no hydraulic engineering done on the project. The culverts have been installed with no obvious outlet. Is this something that DNR is going to look at? Dave Schade responded that he was actually on the roads and did look at the area.

Dave Yragui stated that the road service has been approached with the small culvert projects identified by the Task Force as needing to be addressed and they won't answer any of the six identified road culvert projects since the

last meeting. "Based upon what Mr. Schade said last month, is DNR going to force the borough to create the drainage and the engineering that you guys have required us to do on the Seventh Street Section Line?"

Mr. Schade stated, "I am not going to say what I am or am not going to do. I will make a note on what you have, and that wasn't the only area I saw. I saw other concerns over on Eider as well. There are a number of items that have issues that I have noticed. While I am on the ground I will be talking to the borough about it. I do know that both Buoy and the other project have issues that I will be dealing with."

"Is that an issue that you are going to be taking up before there is more property damage?" asked Mr. Yragui. "The reason I am asking is that we are going into breakup and last year there was a tremendous amount of flooding. I want to know that you are going to challenge the borough to fix this the same way you challenged me at the last meeting, and that it is fair and above board for all the parties."

"I will tell them as I agree with you on that," responded Mr. Schade.

Co-Chair offered, "What I was hoping would happen at this meeting was that KPB would make a presentation about this road project, because there are observations that there are some unintended consequences from the road job the way it was done. Borough project, borough land, borough culvert, borough everything." He presented an ordinary engineering plan set that shows 13' or so of grade from the upper end of Buoy to K-Beach Road. "The ditch has a grade to it and the culverts of various sizes are all lined up to it; the project goes down to around the corner and goes some distance along K-Beach Road and then ties into existing drainage along K-Beach Road along to existing drainage at Dogfish and goes out."

Dave Yragui spoke regarding Dan Sterchi's problem: "25 years ago the water came off of Buoy and off of what used to be a much, much, wetter complex. The water came down K-Beach Road where there was no drainage. My father-in-law built the drainage that is down there now approximately 35 years ago. When the water came down 25 years ago, pooled up and came down K-Beach Road, like it is right now, went through a culvert that was buried under K-Beach Road, flooded Mr. Sterchi's property out and then washed a road out going down to the beach. That is the fear that Theresa and Dan Sterchi have now. They fear that the water is going to build up again, go under the K-Beach Road, and create a bunch more damage on their property on the opposite side of the highway. So that is one example of unintended consequence of a lack of drainage engineering. That is what we are trying to avoid and why we hire people like Jim Munter and Dee High to do the engineering and the hydraulic calculations."

Co-Chair added potential unintended consequences of bluff erosion. He referred to the recent update to the KPB All Hazard Mitigation Plan issued in 2014. It has a section on bluff erosion which shows results of a study in the 1950's up to 2007 that shows an average of bluff erosion along the K-Beach of up to one foot per year. There is a corroborative report done by state geological survey guide book report that shows about the same number, and that it is very episodic. Co-Chair also shared, "There is worldwide noted common bluff erosion that relates to high pore pressures and high water tables that can destabilize due to fluid pressures. It can generate huge landslides after rains. Soil movement can be directly related to hydration events. This is the concern that letting large amounts of water travel down Buoy and pool up next to K-Beach Road predictably causes water to percolate down through the ground, recharges the ground water, and eventually come out in a wash. I looked at that section today and the culverts, and the thing that struck me is right now they are what they are, but what would happen if we had another flood like what happened in 2013, with the same amount of water coming through there, what would happen? So we have a plan set and there is no hydrology & hydraulics (H&H) with an analysis of an outlet. There is no H&H work here. That is a problem. This design does not meet what is considered to be the normal standard for a drainage project; and to make it through the DNR review process. If we showed up with our permit application with this level of design, I think it would come bouncing back at us so fast ..."

"Jim, are you saying that this plan was supposed to be approved by DNR?"

Co-Chair stated, "This plan never went to DNR. The problem is that DNR did not require a temporary water use authorization for the borough. The borough did their drainage project as a ditch maintenance project and DNR

decided that they did not need to go through the permit application. I wrote a letter on February 9th to DNR and talked about potential unauthorized diversions of water, and this is one of the projects I was referring to. There are others. The last meeting minutes reflect that. At this time, DNR is not going to require a temporary water use authorization for this project in particular. That is what I am hearing from DNR tonight; that DNR is not planning to talk to the borough about it. Is that right?"

"I haven't decided," stated Mr. Schade.

Colleen Bass asked, "So what can be done on these road projects now?"

Co-Chair stated that right now we are living in the land of unintended consequences.

Mr. Yragui asked Dave Schade, "As far as unintended consequences go, per DNR, the borough is liable for personal property damage if the drainage that they installed on Buoy Street doesn't work. Is that true? Whoever builds a dam or perks water is responsible for personal property damages?"

Mr. Schade stated, "The borough is responsible for the consequences of their actions."

Co-Chair offered that one of the elements of this project was that last summer when it was being done, it was recognized that the ditch was only being constructed on the south side of Buoy. There were few if any cross culverts installed. Water was pooling up on the north side of Buoy according to photos in the Peninsula Clarion of the so-called "Duck Pond". Buoy was acting kind of like a dam and as I understand it, the people went to the project people at the borough, and asked for cross culverts.

Colleen Bass stated that she did talk to the project people at the borough, asking for cross culverts and that the response from them was that they would like to put a cross culvert up there by Andy Cooper, but it wasn't in the plan. If there was money left after the project was completed, they would like to ask for one to be put in, and "to my knowledge," she stated, "they asked, but the borough said no, due to the borough did not want the responsibility of draining the swamp." Ms. Bass was also told that they were planning to come back in 2015 to move some utilities on the north side, due to they still have some work to do, but she has not heard anymore.

Co-Chair made the point that if the road wasn't there, the water would drain, so the road is acting as a dam. That is why he wrote a letter to the DNR stating that we have roads that are potentially in violation of the water use act.

Co-Chair presented the letter from the borough to Buoy Avenue area residents, talking about the limitations of the drainage ditch, and informing people that this ditch is not intended and cannot handle drain water from the wetlands. Water from the wetlands could overwhelm the ditch system and threaten the integrity of the infrastructure. According to the letter, "Because of this, we ask that you not drain water off of your private property into the ditch." The letter seemed to include threatening statements that if the public did in fact intentionally drain water into the ditch that DNR would come after them.

Discussion followed about what to do if you are a property owner trying to drain water off your property that is coming from borough land onto your property?

Co-Chair stated that it sounded like people were feeling threatened by the borough and by DNR by letters like the one mentioned. He suggested coming back to a level playing field, as he has no other answers for this. If more than 20 gallons of water a minute is being diverted, then regulations kick in, and unless it is an emergency. A legitimate concern is that there is a potential selective enforcement of the rules.

"What if we recognize a potential emergency?" asked Mr. Yragui.

Co-Chair responded that he does not claim to have legal expertise, but he printed off 11 aac 93.920 exemption to basically the entire water use chapter and this topic which states "the use of seawater or the emergency use of

water for the protection of life or property is exempt from the provisions of this chapter unless the department determines that the use should be regulated in the public interest". His example was a raging creek and the property owner uses sandbags to protect life and property. He maintained that a home is a pretty important piece of personal property and the belongings in the home and in the crawl space and in the place served by well and septic are pretty critical to the function of that property, and if your septic is compromised by flood water and you take preventative action, there is this provision of the regulation that exists that might provide cover for what you want to do. Now if you are pumping out a thousand gallons a minute and it goes in the ditch, and it flows over into your neighbor's yard and floods out his house, DNR might come out and say, that is not in the public interest, folks. It is a gray zone. "I have not heard of anyone talk about this Buoy ditch as being an emergency situation that would exempt the borough from responsibility."

Mr. Yragui asked Mr. Schade if he looked at Farmstead and Stellar Roads that are connected to Buoy Avenue while he was out looking at the area.

Mr. Schade stated that he did not, as he turned around at Farmstead.

Mr. Yragui stated that the ground is higher up at Farmstead than ground on Buoy and "the people up there have standing water in their septic and in their houses right now. A large house on Farmstead has had a basement flooded for two years. He has given up, left his house, and is not there anymore. Somebody needs to be responsible for that guy's property. It is based on the roads, the ditches, and the lack of drainage. From what you are telling me, that DNR has control of that, and I think it is imperative that DNR do something sooner rather than later for these people. I am asking you (Mr. Schade), please. Do something sooner rather than later. I have family that lives back there. Grandkids. So it's personal, ok."

Mr. Schade, "I hear you."

Co-Chair stated, "The Task Force may be able to help with this situation. What we have is a very complex situation and he listed several." He stated that the case could be made that the water needs to somehow get across K-Beach Road and out to the inlet without causing erosion and engineering problems etc. These are really big logistical hurdles. The Task Force can start a process to get some engineering onboard this thing along with H&H. If the ditch is not functioning properly, which is basically what the borough said in its letter, then we need to make it function. How? Where is the money? How can it all happen? I solve problems like this with a very long term perspective. It is not going to be fixed in three months. If DNR goes to the borough and says ok, we require you to turn in an application ASAP with H&H the borough is going to say that the problem is huge, and been developing for 40 years. Co-Chair suggests all getting in the boat of solving the problem with competent technical help what's the best way to solve it is, what is the fiscal note, how do we get the money, how to get it built, and based on community need. "That's where I see this whole thing needs to go and it's a good long process."

"How do you propose to force the KPB to get onboard with this before everybody's property float away?" asked Mr. Yragui. "DNR and the borough said a year and half ago that they were going to create a plan and now it is a year and half later and there is no plan."

Co-Chair stated that although Mr. Schade came to our meeting and gave a verbal response to our letter, he thinks that what we should ask for is a written response on DNR's position, because it doesn't sound like they know. Co-Chair stated that he thinks the Task Force should ask for a formal response to that letter because this is a huge topic. He thinks that DNR has the authority to force the borough to hire the engineers to figure out what is going on here. Co-Chair asked for a motion.

Dave Yragui made a motion that we write a letter to DNR asking for a formal letter of response to the letter from Jim Munter to DNR dated February 9th that was written on the topic of unauthorized diversion of water. The letter asked for DNR to come and issue a response. Scott Mobley seconded the motion. Discussion followed related to what kind of a formal response are we expecting that would be different than the verbal response we have already been given? Co-Chair stated that his position is that DNR's verbal response is untenable, because of the un-level

playing field, property damage, people coming out and saying that we have a significant problem and that the borough has a lack of engineering expertise, a lack of borough coming to a meeting like this to talk to people about it, even though they have been specifically invited, and that it is extremely frustrating for people. Part of the problem is the borough's behavior and Co-Chair thinks that DNR has the power to get the attention of the borough for good changes, responsiveness, and for problem solving and trying to get these problems addressed. DNR is where these rules exist in the state of Alaska. They aren't federal, they aren't local rules; it is the state that has primacy over water rights type issues. He would be curious to see if we can get a formal position that says we are not going to enforce our rules against the borough in the situation. He thinks that it has yet to be fully adjudicated inside the DNR.

Colleen Bass stated that we can't keep beating our heads against the wall with the borough. What is the next step and how do we bypass the borough. Who is over the borough? Is it DNR, Army Corp of Engineers, or who is over the borough and how do we bypass the borough to get something done?

Kelly Wolfe summarized the three branches of government and functions of each. He stated that "the borough assembly controls the borough check book and that is all. It takes five in the assembly to get action. There are three of us here. The borough administration runs the borough. He thinks the borough assembly has been brought up to date through mayor reports on flooding and so on, but it is difficult for most to understand the complexity of the problem. They could all see the fire, and when a dike or a dam breaks, or when Snow River Glacier floats, it can be seen; but in the case of you folks when the water comes up from the ground and your insurance does not cover damages – that is your kingdom – and that is very emotional. I have heard from a lot of people. It still requires five. Mr. Yragui came to a borough assembly meeting and for the first time, the administration came out point blank and said, "Maybe we need a field trip. " That is the first offer I have seen in two and a half years for the assembly to go out and actually take a look at it; to educate myself, Brent, Stan, Wayne, Dale, Sue, Kelly Cooper and Marcus. That is an opportunity to try to work on to make happen – to actually see what is taking place. I have wanted to raise the question about Buoy Street as I am very curious about the pipeline. Is this a trunk line? Or is this a 2" feeder line? There are certain depths that Enstar has to place that line. If it was not placed properly to begin with, then Enstar needs to be notified."

Attendees discussed a gas line that is very shallow and exposed last fall. Excuses were given by workers on the Buoy project that "It's October. We don't do any digging." It is witnessed to be only covered by a few inches of ice right now.

Discussion continued with Ms. Bass stating the evidence points to lack of interest by the borough to respond to the concerns of residents. "What can we do?"

Kelly Wolfe stated that he is concerned when hearing these stories of Buoy Street related to 30" culverts changed to 18" culverts and how that affects an engineer's stamp if someone at the borough changed it.

Co-Chair stated that what we would like to have is the DNR give a full review of that culvert issue. The discussion continued regarding borough road maintenance and borough construction from the regulatory point of view in Juneau. Kelly Wolfe stated concern that an exposed gas line only covered by ice is a public safety issue.

Mr. Yragui addressed attendee borough assembly members with history of subdividing the 400 acres at the end of Buoy Street into an industrial park of 280 units of 1 acre each that the borough taxed for over 30 years. When it was re-platted into 5 acre parcels McLane Surveying surveyed and engineered Buoy Street to borough standards. That is what the contract was. When the borough took the road over they knocked the crown off and filled the ditches in and in 2007 the borough road service was asked to come back out and pull the ditches and put the crown back on the road. They ignored it and nobody responded from the borough. It was never done and then once a legal firm wrote the borough stating that they were non-compliant with their own road statutes McLane Engineering got a second contract to redesign drainage on Buoy Street. Mr. Yragui indicated that he has receipts for payment to McLane Engineering in 2005 for the first survey and engineering work on Buoy. So McLane Engineering has done the same job twice so far.

Co-Chair encouraged attendees to contact their elected officials and state agencies with their concerns.

Assemblyman Stan Welles stated, "Jim Munter has over 7 years of experience as the senior groundwater hydrologist for DNR, so he knows the state's obligation with respect to water diversion and he also knows the agency's internal functioning; having been a respected DNR hydrologist. We have a fellow in the room with tremendous credentials."

Mr. Yragui encouraged attendee property owners not to pay their taxes if they want to get the borough's attention; and to appeal their KPB property taxes clear up to the superior court.

Motion on the floor to request a written formal response from DNR to the letter dated February 9, 2015 related to potential unauthorized diversion of water was passed unanimously.

Lori Jo & Scott Avenue intersection small project was discussed and described as a meadow with a low lying drainage channel with no vegetation higher than grass high because it's wet. It's an old drainage way from glacial days. Co-Chair stated that it is in the road service area. It was further described on the wall map. Co-Chair talked to Dee High, who did the engineering on the proposed Seventh Street Storm Water Drainage Structure Project about designing a culvert solution for this area. Dee High recommended drawing a drainage basin, and do some H&H. Co-Chair presented a subdivision map with a superimposed drainage basin project drawn by Kelly Lipinski.

Co-Chair showed a drainage basin design that he made for about 200 acres of affected area to demonstrate how simple it is to develop this culvert design in just a few minutes (minus H&H). This could be done quickly at a lower cost than hiring an engineer; and could be presented to the road service department by volunteers, as one way to address some of the culvert small projects issues identified at the last meeting. The borough puts in culverts all the time, and Co-Chair doubts that they go to this level to install culverts.

Lori Jo and Scott Avenue intersection is the lowest of the low hanging fruit on the Task Force list, per Co-Chair. There is no reason why there is no culvert at this intersection. Kelly Wolfe agreed that road service department is the place to take this design. He is concerned about hearing that road service isn't listening, and Task Force is not getting answers; there's a gas line exposed; if Charlie Pierce heard that and he was still sitting on the assembly, somebody would have their seat lit up by tomorrow morning. "I know Enstar is real touchy about it (exposed gas lines)."

Co-Chair encouraged people taking 2 to 3 of these low hanging fruit projects to the road service department first and then if no response, use 3 minutes to present each one during KPB Assembly meetings; then do 20 more over time. Discussion continued that these have already been presented to the road service department. Mr. Yragui pointed out that at the last two meetings that he attended of the road service department; the answer to these small culvert projects was "No." When asked if they were going to hire a drainage engineer, the answer was "No." When asked if they were going to put in culverts or help us put in culverts, the answer was "No." For the Assemblymen present, Mr. Yragui advised that he has it on tape.

Kelly Wolfe recommended that we do as Co-Chair said, and bring our low hanging fruit and ask the assembly, "Will you help us?"

Brent Johnson recommended that we do the same, and bring the price tag, so it can be part of the decision making process.

Co-Chair agreed, and recommended to contact the road service budget department and ask for the generic cost of installing a culvert to get a ball park figure.

Brent Johnson stated, "I assume that Pat Malone, the road service guy will be there. You are going to say what you have to say and we are going to listen to what he has to say; there will be some lawyers there who will be telling us stuff and somewhere in the grand scheme of things we are going to try to do what is right."

Stan Welles stated that while driving around there is an irregularity in the culverts being either too high or too low so on Lori Jo he thinks it needs a minimum of engineering to specify the depth, angle, slope, etc. because he is not seeing too much of quality control going on."

Co-Chair agreed that an engineering acquaintance of his who does this kind of stuff said there are standard DOT simple culvert specs right out of the book about flaring, erosion protection, placement, and a lot of these things. After driving around this person said, "It doesn't look like very many of these culverts have been put in according to DOT standards."

Stan Welles stated that he would like to see the culverts at the proper depth on each end.

Co-Chair assured all that there are qualified people out there that know how to do this stuff. It is not rocket science.

There was a question about the difference between a culvert and a ditch and does it have to have an outlet?

Stan Welles stated that we have a lot of roads that have culverts and ditches with no outlets.

There was a question on the Murwood Road topic. A witness described that "coming down from the Duck Inn there is a depression there and each one of those commercial driveways there have no culvert; and each one of them has water backed up there. How do you get past this percolation philosophy? Where is that water going? I think it is going down into that pond at Dana Bayes. It doesn't cost a lot of money to figure that situation out. 3-4 years ago they came down there and ditched out the outlet to that pond. They ditched out all the brush out with an excavator and left a belly in it. When Murwood was put in there, they just cut off both fingers of that natural creek. One can't be fixed, because there is a house built on it (down in the creek). The other one is so simple to fix, so Mr. Malone came out, looked it over, and a few days later they put in 2 culverts. They compounded the problem, because the ditch did not get run down like that. The water lies in there, and percolates into 2-3 places that we have. Instead of grading it down and lowering the culvert that is already in Murwood so it goes down the natural creek, they left a belly in it and put two more culverts in."

Co-Chair stated that Patrick Drive and Eastway intersection is semi-famous because this one was used as an example in the letter to DNR dated February 9th. Photos were taken in October that shows those roads acting as dams after a rain storm, with evidence of potential unauthorized diversions of water. When the KPB Mayor Navarre was asked at a task force meeting by Jim Munter if the borough was going to install a culvert at Patrick, he replied, "No, we're not going to do that." When asked why not, he reportedly stated it was due to liability. "So that is why I wrote the letter to DNR, where I had about 20 different roads that are potential unauthorized diversions of water, including Lori Jo and Scott, including Dana Bayes, Patrick and Eastway. Because, if the borough won't do anything; if you go to the road board meeting and you say that this is low hanging fruit, and they say, "No." Then where are we going to go? We are going to the authority that has regulations on diverting more than a significant amount of water. It is a real problem."

Dave Yragui mentioned that no one has talked about the potential liability of the ends of the culverts not having end collars. "There are brand new culverts on the Buoy project all over the place without the standard collar ends that finish the culvert installation. The borough has already been sued once before for and paid here-say \$5million dollars due to a snow machiner that went down washed out Trawling Street; crashed, broke his back, and ended up in a wheel chair. When the administration talks about liabilities, the way those culverts are installed is a huge liability."

Co-Chair stated, "That is why engineers use boiler plate culvert specs that greatly reduce liability. This is another example of an unintended consequence of improper engineering and installing of culverts. Maybe we should write another letter based upon all the unintended consequences floating around out there. It is getting to be a pretty long list."

Toby Burke stated, "On the Buoy project: They don't have inspectors. I could point out 20 different deficiencies. When asked what they are going to do about it, they say, "Nothing. We're busy on other places.""

Co-Chair suggested, "People who live in those areas: get some of these maps and duplicate what Kelly Lipinski did: draw where the water pools up – Say *we want a culvert right here*; 3 hole punch it and put it in a 3 ring binder, get all the stuff together and put it on his desk. Personal observations and photographs during times of flooding are incredible sources of data. It doesn't have to be a scientist out there taking measurements and stuff."

Mistral Street was discussed using the wall map. Terry Best owns a gravel pit there so where should the water go? These ditches would potentially drain enough water to require a temporary water use permit, according to Co-Chair. He maintained that a permit may bring order to chaos. Discussion continued.

Mr. Yragui asked Mr. Schade if he had any communications with Hilcorp regarding their road.

Mr. Schade responded, "No I have not."

Co-Chair asked for other problem areas that need to be added to the list. Dave Yragui stated Eider Road should be added to the list.

Mr. Yragui stated that he would appreciate Jim Munter or DNR to take a look at the low spot on Hilcorp Road. He described the spot, which has a ditch and a culvert he also described. He stated, "I've been wondering if we could duplicate something like that, as it would not require a permit, but should fall under road maintenance. Something like that could move a tremendous amount of water out of that area. If we were to put a 6' culvert across Hilcorp's road, with a couple of 6' ditches, about 120' long; run that water down Eider Road Seventh Street Section Line, and right on out to the river; that gives all those people on Silverweed, Poppywood, and all that area relief. If you go to the southeast to the gas pad without any culverts (shown on the wall map) – a couple of culverts there would give further relief. So all people have to do is go out looking at what is going on and start studying a little bit in your own area."

Co-Chair agreed and would include culverts that are mis-installed. "We don't need to talk about just new culverts. If there is a culvert that is like sitting up in the air all the time or too deep or buried in gravel, take pictures."

Peggy Dye talked about a culvert on Corkline Road that drains into the gravel pit near the Albatross. Some of the water in her subdivision can get to this culvert. There is another culvert on the other side of the gravel pit that does not have any outlet. Corkline was added to the list of small projects.

Report from Co-Chair on large projects was that the Feasibility Study was sent to Senator Micciche after the January 26th meeting and needs to be followed up with a call. Peggy Dye stated that she would follow up on that.

Kelly Lipinski reported on seeking matching funding for the Feasibility Study through state, borough, federal. Co-chair stated to include private. He noted that usually not state. Co-Chair discussed the merits of the study, as assembly people were present, and asked that the KPB administration be approached for support of the study or for actual funding. The cost is about \$270,000 and needs an independent cost study. Should we send that to the borough? Kelly Lipinski stated that she has talked to the borough about it and "I wouldn't expect any money from them for it at this time." It was noted that administration does not control the purse strings, if that was the source of her information.

Brent Johnson stated, "You guys should be perfectly clear that you guys control the purse strings. Administration recommends setting tax mil rates and people always want taxes cut and always don't want to pay for something else in someone else's area. That is across the board. I have sat through Anchor Point Fire Service Area meeting and they need more money. CES needs more money. School district needs more money, and the state has less money, so these are some of the parameters that we are going to be working with here. The mayor did suggest at one time that there be a flood service area created in this area so that the people affected would pay for it. That may be an avenue of thought to explore."

Co-Chair stated that it has, and thanked Assemblyman Johnson for the reminder. That is what Seward does.

Dave Yragui disagreed with the flood service area idea. He explained that he has watched the borough for the past 35 years, been in business a long time here. "When we were flooding a year and a half ago, the borough ran around and put a bunch of culverts in and ditches with no outlets. They spent a lot of money, and they were very ineffective. It doesn't make sense to me that we create a service area and give the borough (the same people that can't put a culvert in correctly) money to redo something that they should have done right in the first place. The other thing is; the borough has about \$180 million in the bank and I just checked with the financial guru down there at the borough building and I understand that there is a lot of money that is ear marked for bond issues and education and all the other things that the borough does, but that money is our money. This is our borough, and if we can't get the borough administration and the assembly to pay attention to what is going on, then we have to take a different course of action. The problem is that the whole borough ends up paying for that course of action. I think it's really important that people understand that the borough is not broke. The borough is not the state. The borough has money, and the amount of liability that the borough is creating for itself by not doing anything and ignoring this problem, is going to be more expensive for all of us."

Co-Chair asked do we want to send our Feasibility Study to the borough or ask for funding. Mr. Yragui reminded him that we can't even get them to put in a culvert. Discussion followed with Co-Chair describing aspects of the Feasibility Study.

Assemblyman Brent Johnson asked if DNR is doing a feasibility study.

Dave Schade says they are looking at it in depth, but no feasibility study, although he personally supports it.

Co-Chair called for a motion to send the Feasibility Study and estimate to KPB Mayor and to the KPB Chair of the Assembly for consideration for funding along with a letter stating that DNR is favorable to the study. Toby Burke so moved. Colleen Bass seconded the motion. Discussion followed and the motion passed unanimously.

Co-Chair shared his "aha moment" for the K-Beach Disaster Plan. "I was thinking about the borough's natural disaster plan updated in 2014. It covers fires, earthquakes, tsunamis, erosion, and weather. It kind-of covers groundwater flooding. What we have here is a natural disaster on our hands, but lack of attention. It's not getting respect that it ought to get. It shows up in peoples' septic systems that have been engineered and approved by DEC, and people go in a year or two later and their leach field is under water, they really can't get it to pass the engineering test to sell their house. There are lots of houses, right? I am not even going to ask for a show of hands. That is a natural disaster that is area wide. It is Kasilof probably and Sterling. I don't know where this is going, but this is a huge point. Groundwater and what is going on here is a natural disaster. Inundated crawl spaces, molded homes, buckling foundations due to frost heaving, persistent wet spots and mosquitos with the main thing being septic system inundation, improper treatment of waste water migrating into the ground water and into the aquifer that we have wells in, and which are generally not so well sealed against that stuff – potential health impact. I don't have all the data, but I know that this was a water well industry wide concern. It is a big deal. I have a request of ADEC; and thank you for being here; that someone from ADEC come to the next meeting, and address the issue of for standard unbuilt plot of ground that someone wants to build a house with a septic and a well; is it required to test where the water table is, and confirm that the water table is 4' below the bottom of the trench where the waste water is disposed of, because that is a state regulation. I know that in some places in Alaska that test is not made. Do you know the answer to this (directed to Alyssa from ADEC)?"

Alyssa stated, "I do believe so."

Co-Chair asked if they test the groundwater. "I'd like you to go back and talk to your people and work that issue out. In other words, if a homeowner asks to see all the data collected for my system that they now own, are they going to find a water table measurement that shows that the water table 4' below, as you need 4' of unsaturated material for treatment of this liquid. He indicated that he served on the Anchorage Municipalities Water and Wastewater Technical Review Board for 3 years. "I know way more about septic and leach fields than I wish I did."

"I can tell you for sure they do require it. At Dana Bayes there is a house there on the corner and houses back in there by my hay field, before I ever put the road in, DEC came out there with an excavator and dug holes and mapped 14 different places and depths of where the groundwater was," stated Mr. Martin."

Co-Chair asked how long ago it was.

"20 years ago," responded Mr. Martin, "And I bet you right now that the groundwater is a lot higher. They also specifically made sure that all of the septic systems were as far from the wetlands and streams; and put the wells on the back."

Co-Chair stated that was for a subdivision development. In Anchorage it is a completely different process for subdivision development than it is for an individual property owner to get approval from DEC to put a system in. So my request to DEC is repeated.

Alyssa agreed to do it.

Co-Chair asked for K-Beach Flood Mitigation Nonprofit report on the proposed Seventh Street Storm Water Conveyance Structure Project update. Kelly Lipinski reported that everything is clicking away. "We turned in all of the applications on the project. We turned in DNR's application on March 3rd, a multi-agency application on the 4th. I talked with a few of the agencies and the latest one seems to have gotten the application on the 15th or 16th. Their feedback is that they are reading "some of the paperwork" for some strange reason. I talked with the construction company. We are looking at various opportunities. We have a gas line in the way. We have to wait for it to thaw to see exactly where the high pressure gas line is, and do what Enstar's requirement is there. We have to put some culverts in on Eider Road in the warm weather too, so we are potentially looking at this summer putting in the culverts in the bottom portion by Eider Road, dealing with the gas line and then when it freezes we should be able to finish the rest of the structure in plenty of time for all of the permitting and everything. The other projects we have going right now are water testing study. I haven't seen all the data on that. We have a statistics professor who has created that program for us. We're looking at working on the Feasibility Study separate and apart from the Task Force; we'll have to figure out if it's singly or together. Working with the borough, I'm looking at wetland restoration and maintenance ideas; and also looking at some of the Kenai River flooding that has already been identified as a problem."

Andy Mitzel of USACE asked for clarification on the proposed project timeline. Ms. Lipinski identified, "a problem regarding locating a known buried high pressure gas line at the break between the half mile of the structure and the mile and a half of the structure. Enstar owns the high pressure gas line and has some requirements for applicant to figure out related to the depth of it and some other things. It needs to thaw."

Andy Mitzel asked, "So basically, this work could not be done ... it seems from what I heard earlier that you guys wanted to start digging in about a week."

"Well, we can't," responded Kelly Lipinski.

Dave Yragui stated, "Right. We can, but they can't."

Question arose from attendee about wouldn't it be better to dig when it is frozen?

"I represent the agency who submitted the applications and who owns the structure that will be constructed and we can't. Number one; the applications haven't been processed. Two; we have a funding issue for the whole project and three; we have to deal with a high pressure gas line, so no one is going to dig the structure that we are going to own except for the licensed and bonded contractor that we hire to do that."

Mr. Mitzel asked, "So Dave, are you starting to dig something on this project?"

Dave Yragui response: "I'm going to dig on my land on my project and I know where the gas line is. I will not dig around the gas line. I've dealt with Enstar for the last ten years so the gas line has absolutely nothing to do with this structure other than the fact that you can't dig around there until we find it."

Mr. Mitzel stated, "I need to know time. I mean, there are a lot of regulatory aspects of things. The way I heard it earlier was you were planning on starting to dig next week. Well, if you're going to be something on your property that does not require a permit from us, or whatever the situation is, that's fine."

Mr. Yragui stated, "I'm going to do whatever I have to do to protect my property."

Mr. Mitzel stated, "I'm trying to figure out what's going on with this project that's sitting on my desk that I have an application for."

Mr. Yragui, "Are you talking about ..?"

Mr. Mitzel, "No, I'm talking about the one she's talking about."

Mr. Yragui, "That doesn't concern the Corps of Engineers because there's no side cast ..."

Mr. Mitzel stated, "Actually, I had a question though."

Ms. Lipinski stated, "Well, I do want to meet with you because I have questions for you but it isn't urgent. We're not ready to go. I want to get together with you because I want to talk about possible disposal sites at the bottom and what is wetland and what is not."

Mr. Mitzel, "Yes and actually those are my questions on what are you doing with ..."

Ms. Lipinski, "I'm hoping to dispose of some of it closer to the site, but not all of it. So we will see what we can do about that. At the moment we are waiting on all of the agencies to get back to us. It has only been a couple of weeks."

Mr. Yragui, "Can you speak to that Kelly? I heard there was a 14 day window start to finish on the River Center."

Kelly Wolfe, "Well, the River Center has always worked within 14 days."

Co-Chair stated, "So we're 19 days out."

Kelly Wolfe stated, "I have pulled applications out of the River Center in 24 hours but normally it is 14 days."

Mr. Mitzel asked if there were actually going to be any permits issued from the River Center.

Ms. Lipinski stated that they are expecting no permits will be required from the other agencies. "I had a meeting with Dan Mahalak, the borough hydrologist today and he just got the packet. Some people are still getting the packet."

Mr. Thibodeau was given time to talk about the Section Line Project. He stated that his understanding is that the owner of the property up to the section line owns to the middle of the section line. "What I get from the borough is they can do anything with that section line that they want. The only problems could be that it may affect some future development like if they wanted to put a road through on that section line it might hinder that, and that would be one of the problems. I don't have any legal opinion on that. As far as I can see on going down Seventh Street there I think you would need the property owners' permission to put a ditch in on the part of the section line that they own. Once you have that permission and with any other permits that were needed to put in the ditch ..."

Co-Chair stated, "Let me address that and let me hand the meeting hat to Co-Chair (Toby Burke) because I am under contract to the nonprofit to help with the permitting. We have been working with the easement people at DNR because we need to follow all the rules of section lines easements. They are used for all sorts of purposes. We are still in the process of figuring that all out. One of the things they haven't figured out yet formally is: "Is the permission of the underlying land owner required or not?" They're still working on that. The owner of the land owns the land; and the easement is controlled by the state. It's complicated, but the state has people that deal with that issue. The borough does also, but it is my understanding that it is primarily the state. We got the state as part of their review to address that issue. So that's in process."

Ms. Lipinski offered, "I can answer one of your questions though, in one of my meetings with Mayor Navarre, it has been established that there will not be a road put there at the Seventh Street Section Line."

Jim Munter stated that part of the design is that it is a 100' wide easement and"

Brent Johnson interrupted with, "I have surveyed 400 bazillion section lines in my life. 100' section lines are too, too unusual and are usually thrown on the edge of a township. All of them are 66' wide."

Jim Munter stated, "The design of the ditch is within 33' because we didn't know for sure. That is the current design. So there might be 17' or 20' on one side and there is certainly the full 33' or more on the other side. Part of the project design is to not prohibit other uses for that easement including transportation. We are working that issue."

Mr. Thibodeau stated, "That seems to be the key to the whole issue."

Jim Munter re-assumed Co-Chair of the meeting. He called for further questions. Colleen Bass asked Ms. Lipinski about the project funding.

Ms. Lipinski stated, "That is another thing that we need to resolve. We are looking at FEMA and private money. It is too late in the year. We have to wait for the permitting process which takes more than two weeks; and we need time for locates, to cooperate with Enstar on the gas line and culverts and upgrades on Eider."

Co-Chair introduced the topic of dewatering groundwater and asked Andy Mitzel of USACE to brief the Task Force on the subject as it relates to jurisdiction and septic:

Mr. Mitzel stated, "Basically I am part of the Army Corp of Engineers and we regulate section 404 of the Clean Water Act. We regulate the discharge and fill material within the waters of the U.S. including wetlands. That is the legal definition of it. Basically, if you take a shovel full of dirt and dump it in the wetlands, you might need a permit from us. There are variables, so if you are going to do it, come talk to us and we will straighten you out pretty quick. Now, if you are going to be doing clean excavation with a backhoe and haul it off with a dump truck, there is a very good possibility that you can do it without requiring a permit from us. If you are in the realm of needing a

permit from us, you are going to be filling a small chunk of material to build a barn on but you are also going to build a ditch that goes through your property, and is draining the wetlands, we are going to look at the impact of your fill and possibly your drainage if it's changing the water regime from a standing water pond, to a wetlands – something that changes how much water is normally stored there. In conjunction with fill, then you need a permit from us.”

Co-Chair asked for clarification, “For example on the ditch project it’s proposed to not do any fill. In that case, it’s going to have a small effect on lowering the water table, and at the last meeting Mr. Schade said that “if you’re going to lower the water table, we’re not going to go there because of habitat issues at the Corp of Engineers and we are going to let them draw the gray lines or something like that.”

Mr. Mitzel responded, “Well building a ditch of this magnitude is going to be challenging to do it without any fill into the waters of the U.S. You are talking 2 miles, basically?”

Co-Chair, “Correct. Granted it is difficult but not impossible. A theoretical project: you are digging a ditch and take the material out to the upland disposal site, and you’re going to hold the water table; then who is in charge? That is why I wanted to have this conversation.”

Mr. Mitzel, “If you do it the way you just described, I have no say whatsoever.”

“Who does?”

Mr. Mitzel, “On this one, basically, if you do not have an action that requires a permit, you can successfully drain a lake and get away with it and I have no regulatory authority over it. I have no say.”

Colleen Bass, “So you can put this ditch in, and you are moving water down, you have to have a permit from you, because you’re moving water, but if it’s going across the wetland, they don’t have to have a permit from you?”

Mr. Mitzel, “As long as they’re ...”

Colleen Bass, “As long as they take the fill out, and move it, they don’t have to have a permit from you? As long as they don’t deposit it off to the side?”

Mr. Mitzel, “Yes. That’s why I’m going into the frame of this. I think it’s going to be a challenge, since I’ve been doing this since 2001. For example, if you build a berm down one side of it, I have a permit action there. I’m going to look at the square footage of the fill, and I’m also going to look at the fill plus drain. Basically something that you’re changing the water regime of; I have to look at those two things and figure out what your impacts are; what mitigation would be required for losses of habitat and environment. One thing people find challenging is once you get me involved, you create what’s called a federal nexus. Then you have to start dealing with all of the other federal environmental laws. And they can be challenging.”

Co-Chair stated to go back to: “there is a proposal on a ditch project to put fill next to part of the ditch but that is in an area that is not mapped as part of the wetlands.”

Mr. Mitzel, “The real life question though is; Is it a wetlands? Because you were making the comment earlier that the geographic mapping is generalized. It’s tons better than the NWI data. It is generalized, but some things are mapped as wetlands, and some things are mapped as wetlands that aren’t.”

Co-Chair, “I’d like to go back to the question of who is in charge of lowering the water table where no fill is involved on a theoretical project that may apply to homeowners that don’t want to fill anything. They just want to get rid of the water. For example in Anchorage there are a lot of wells that are on sumps that are 14’ deep culverts next to houses that are open bottom with gravel in the bottom and they fill up with water. They put pumps in

them and pump large amounts of water across landscapes to the nearest ditch and they dewater the groundwater and that is the purpose of it to dewater groundwater. It's not a wetland. Who is in charge?"

Mr. Mitzel, "I don't know the answer."

Dave Schade stated, "I keep telling you the same answer. If you build a works and you divert more than the minimum amount of water it is going to require our authorization."

Co-Chair, "Ok, so if someone wants to lower the water table,"

"It's a diversion of water," stated Mr. Schade.

"Is it allowable, under your regulation?" asked Co-Chair.

"It would be allowed if it doesn't have an affect other usages for the water," responded Mr. Schade.

Co-Chair, "There you go. That's good."

Peggy Dye, "We're talking about lowering the water table. What we're really talking about is the conveyance structure removing surface water."

Co-Chair, "Well, both surface water and groundwater."

Ms. Dye, "By having the mechanism to remove surface water, the sheet water to go away, by that motion, you are. In essence the water sitting on the ground is percolating into the ground and groundwater."

Co-Chair, "That is the lion's share of the storm water conveyance structure. Many ditches also lower the water table for a short ways around them. But I think the answer is; if someone wants to dewater the groundwater, it is potentially do-able as long as in the case of a permanent water right there are about 8 different criteria. There's a bunch of them. One of them is if you do not unduly affect prior appropriators. So, if your neighbors are going, Man, I hope you pump as much water as you can, because it may help me out; on the other hand, if a neighbor asks where you are going to put it, because if it's going to flood me out, then you might run into a problem. So it is a little tricky, but I really appreciate you coming here."

Co-Chair asked for questions to the DNR or to the corps over these regulations. There were none.

There was an announcement of the Kenai Peninsula Climate Conference and Information Workshop to be held on March 28, 2015 at the Kenai Peninsula Community College from 9am to 4pm. It is free to the public and they will talk about flooding frequency, salmon, erosion, and there will be researchers from the Alaska Climate Center, U.S. Fish and Wildlife, U.S. Natural Resource Conservation, and other area entities. You can have questions with the mayors and staff from Kenai, Soldotna, Homer, Seward, and the KPB.

Co-Chair stated that there is an existing resolution that the borough assembly made in November to form a task force by the DNR. "During my meeting with Commissioner Myers he indicated that he had not responded to that and may not have been aware of it as it happened during a prior commissioner. It is an open item, and a big deal, since he did respond to the petition of August, but he did not respond to the assembly; even though he did have a conversation with assembly members that he thought it was not a big deal. To me and the Task Force it is a big deal, because we are a de-legitimate bunch. We do not have the support of the assembly or of the administration; and that's a big problem. We really want to have people come in the room, we want the support of the assembly, in order to help encourage the administration, to help make the task force function properly to figure out how to solve problems, and I would suggest that we as of tonight ask the assembly to reconsider adopting a similar resolution that would endorse this Task Force."

Dave Yragui moved to make a resolution to ask the KPB Assembly to reconsider adopting a resolution to endorse this Task Force. Peggy Dye seconded the motion. Discussion followed.

Kelly Wolfe asked that the letter to the DNR Commissioner be attached to the resolution.

Co-Chair asked that the Task Force previous resolution also be attached to this resolution.

The motion passed unanimously after further discussion.

Dave Yragui asked to extend the invitation again to meeting late comers to serve as Co-Chair of this Task Force. He stated that the Task Force would welcome a KPB Assembly member to serve as Co-Chair. Discussion followed related to possible conflict of interest, which was not established as to whether it would be or not.

No meeting attendees from the borough assembly volunteered, but Kelly Wolfe volunteered to become a member of the Task Force. There was no objection and Kelly Wolfe was accepted as a member of this Task Force.

Co-Chair asked for a motion for a Task Force resolution to ask the KPB Assembly for a resolution of support for the proposed Seventh Street Storm Water Conveyance Project.

Stan Welles stated that while he agreed that it is a good idea, the assembly is making an effort to put together a tour that was actually proposed by the KPB Mayor and our president seemed to be in favor of doing it with a murmur of support conceptually of doing this. "I really think it is important to provide this opportunity for a tour of the rest of the assembly. There is a concept in mind at the moment to do a bag lunch on Tuesday afternoon on the 7th when we have our committee meetings and so one concept is to do that tour as a bag lunch that day prior to our committee meetings but it is not scheduled."

Kelly Wolfe stated that arrangements for a bus was in the works to transport assembly members on this proposed tour and the hope was that part of the tour will include the proposed Seventh Street Storm Water Conveyance Project site in order to get a better grasp of the project. There are six members on the assembly that know very little about this and several more as well.

Stan Welles encouraged this Task Force to not push another resolution to the assembly with specific action at this time in favor for time to develop education of assembly members.

Co-Chair asked for any other items of business. Dave Yragui asked if the Task Force intends to talk to Dee High or any other drainage engineer about culverts to try to start getting some small projects lined up.

Co-Chair responded that the next road service meeting is April 10th. He suggested that would be a good place to start in order to avoid racking up engineering charges.

Next meeting was scheduled for April 27, 2015 at the same time and location.

There were no additions or deletions to the email list.

Peggy Dye talked about the teleconferencing abilities of the CIAA room and that she knows how to do it. Just figure out how to pay for the calls. Co-Chair stated that he will inform agencies which may attend the next meeting of that option to teleconference if they cannot attend.

Thank you was expressed to all of the borough assembly members who attended the meeting, as well as other local and state agency representatives by Colleen Bass and the entire Task Force with applause.

A meeting attendee asked Dave Schade under what parameters could we dig this ditch now or a time frame?

Mr. Schade responded, "I know that you need parameters from me. I spent two hours this morning talking to Andy to make sure we were communicating, and working through this I went out into the field with Fish and Game today. I'm working process to get the other agencies out on the ground to see if we do or do not have problems. That's my job right now; trying to get the feedback from other agencies. We shortened our response time from two weeks down to one week and we are going through that process. We got a response from DOT which surprised me, but that's the kind of response we got from DOT. We have the hydrologists looking at the water, we have the engineers looking at the engineering; we're working through all the different agencies. You are asking for specific answers. We're walking through that process right now."

Attendee, "Can you give us any kind of time frame?"

Mr. Schade, "By the end of the week we should know what the agencies' response is, the borough's response, and at that point I will have my technical response; we will go back out to the applicant with the issues that are raised. I don't know what they are now, because I have people out doing their job."

Attendee, "Ok, It just seems like it will be easier to work from the other angle, because you can always come up with a reason why you can't do something. You can do that any day of the week. So let's find a reason why you can do it, and those reasons and rules should be within your grasp to give us after you do your little deal with all of these agencies you are speaking with. You should be able to give us some parameters by which we can start, and get something moving forward. You are just not churning and churning and churning over the same stuff. You can't do it because of x or y."

Mr. Schade, "We will respond with the questions where it is required. We are working through that process. I have not seen a deal breaker at this point. There is a serious concern about the gas pipeline that was raised. There was some issue about the fish habitat. I think we may have worked that out today. Fish & Game doesn't want the fish coming up and going down the ditch."

Attendee, "As far as the dewatering goes, when you talk about, Oh, you're going to damage somebody else by dewatering; well that is the whole point. We are trying to dewater. We are trying to get the water levels down lower than our septic systems; where they were before, so we can live without being run out of our homes, or losing our property."

Mr. Schade, "I think it is critical to keep in mind that we are only looking at this point and that particular project. I'm thinking that the dewatering is not going to make much of an impact too far away. One of the concerns in the first place is where the water turns and goes through the neighborhood before it goes down over the hill. That's what I am looking at. I am looking at any act of water. What happens if it goes wrong and septics get washed out? Where is that water going to go? Those are the things I have technical people doing their review looking at the other hydrologist's work and looking at the engineer's work. They are competent people. They come up and say, ok; the numbers are right, then great. If they don't, then we will come back with two engineers that say you need to do this or that and it's part of the process. They do that with dams and dikes."

Attendee, "All right I'm just asking that you try to look at it more from the standpoint of really trying to help us here. "

Co-Chair turned the meeting over to Co-Chair Toby Burke. Jim Munter stated that the criteria of issuance for a permit on a project infracts upon prior rights holders which I think we probably all agree are minimal to nonexistent and in the public interest. The statute of regulations is extremely vague on where the public interest is. And what Dave has been saying is there is a lot of public interest in being careful. Those are really good public interests. The fish, there is erosion; there is lots of stuff to be worked on. There is also a public interest in getting this built this year, because the unintended consequence of not building it is next fall and when it floods out and we're in here meeting and there is three times the number of people asking, "Well, why is it flooding?" – Well, it's because we couldn't get this ditch built this past spring. That is a public interest there that is real and I just wanted

it to be expressed in your processing of this application. It is really important – where is the public interest? I think that is ultimately where DNR needs to make that decision.”

Mr. Schade, “I will point you back to AS 46.15.080. We have criteria to determine the public interest and I will follow it. And that is what we are working through right now.”

“As to the public interest, not to debate this, but those relate to permanent water rights and a bunch of those do not apply,” answered Jim Munter. “These are for temporary water use authorization, but take a look at them.”

Mr. Schade, “I am doing my job. I know we don’t agree on how I should be doing it, but I’m doing it. I have been criticized that I am against it. I’m not.”

Attendee, “We just want enough drainage so that we can keep our drainage systems to a level that is usable. And keep our wells safe. We’re not trying to take the groundwater down 35’ or better to where all these other things come into play like what you just mentioned. We just want to be able to use our homes and our septic safe.”

Mr. Schade, “And I am totally aware of that.”

Attendee, “And we need some help.”

Mr. Schade, “I understand and it is frustrating that it is taking the time it is. I really get that. I am on an airplane and I spent the whole day down here today. I don’t spend a whole day on one project as the chief. That is very unusual. That’s how important this is to DNR. I take a whole day a month and I come down here and I am out in the field. I went and I saw the Mayor today. I went and saw the Corps. I went and saw the folks at Fish and Game; the folks at River Center; I am hands-on working through the process. It is slow, and that is why I keep coming back and saying I would love to have this study so I that I’m not sitting there and my staff comes back and says I don’t have the data. We have these questions. I deal with it and I have to balance the lack of information as well. So we’re going to go through that process and we are going to try to do it as fast as we can. I give you my word and I’m doing it. Sometimes the ways I can speed it up is actually coming to these offices myself, and sit down and talk to the mayor and others, and try to build the dialogue and keep it moving. I can’t give you a specific date. I can tell you we are working the process. And I have a commissioner that is making sure that that is true. It took me an hour to get through this with him the other day. We showed him all the historical photos and we went through everything and I know that Jim did the same thing. I think he’s got a pretty good idea of what we’re dealing with. But, just so you guys know that this is not the only place that has these issues. We have them in Ninilchik. We have them in Anchor Point. Seward. You guys know the issues they have over there. So, we are spending a lot of our time being focused on what can we do over here. ”

Mr. Yragui, “Have you got any place in the borough that has this many people where it was declared a disaster by the president? Any place in the borough other than this one?”

“That disaster, Dave, covered here, Ninilchik, Anchor Point, Seward, and a couple of other ones.”

“I believe that the K-Beach disaster was the K-Beach disaster and there’s more people that were affected here than anywhere else in the borough.”

“I can’t debate you,” responded Mr. Schade.

“Well, all it takes is looking on a map and see how many homes have been affected,” stated Mr. Yragui.

Jim Munter re-assumed Co-Chair of the meeting and thanked Dave Schade for coming down here. “You are correct. It is unusual for an agency to spend a whole day on projects like this and you are one of the few agency people that who has regularly come as well as ADEC. Thank you, Andy, for coming also. We thank you agencies, representatives and all attendees for coming.”

Co-Chair entertained a motion for adjournment. Dave Yragui so moved and Peggy Dye seconded the motion. The motion passed unanimously with no discussion and the meeting was adjourned at 9:17pm.

Minutes respectfully submitted by Sherron Collins