

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

The meeting was called to order at 6:05pm by Co-Chairperson Jim Munter (Co-Chair).

The meeting agenda was reviewed and discussed. Peggy Dye moved to approve the agenda. Colleen Bass seconded the motion and the amended agenda was approved unanimously.

Introductions were made by Task Force members and meeting attendees. Co-Chair welcomed the 50 attendees and encouraged them to sign in on the form provided at the entrance table. Co-Chair thanked sponsor Cook Inlet Aquaculture Association for allowing the Task Force to meet at its facility.

Four representatives were recognized and welcomed as attendees: Alyssa Murphy from Alaska Department of Environmental Conservation (ADEC), Dave Schade from Division of Natural Resources (DNR), Kenai Peninsula Borough (KPB) Assemblyman Kelly Wolf, and Kelly Lipinski from K-Beach Flood Mitigation Project (KBFMP).

Meeting minutes were taken by Sherron Collins and the meeting was also tape recorded.

Peggy Dye moved to approve draft minutes from the task force meeting of January 26, 2015. Dave Yragui seconded the motion. Subject draft minutes were unanimously approved after discussion. Dave Schade asked for clarification on which meeting attendees will be emailed draft minutes of Task Force meetings. After discussion related to privacy issues, it was unanimously agreed that draft meeting minutes will be emailed to all signed up meeting attendees via blind Cc method.

Co-Chair asked if any attendees would volunteer to serve on the Task Force. Debra Brown, Julie Dennison, and Carol Martin volunteered to serve and Task Force unanimously approved all three as Task Force members.

A report was given by Kelly Wolf on his recent trip to Juneau. Given the financial position of the State of Alaska now, Mr. Wolf stated that his discussions with DNR Commissioner and Dave Schade went well, and he (Wolf) is certain that once a set of plans for the proposed Seventh Street Water Conveyance Structure is submitted to DNR, that the agency will be responsive. Mr. Wolf also stated that our local Kenai River Center should be advantageous to the process. Mr. Wolf also met with KPB Mayor Navarre regarding the proposed Seventh Street Water Conveyance Structure plan and indicated that KPB Mayor Navarre had questions related to borough involvement. Mr. Wolf said that he (Wolf) is in favor of the Seventh Street Water Conveyance Structure plan once it is “stamped”.

Alyssa Murphy from ADEC invited attendees to ask questions and reported that her department has information on disinfecting water wells as part of its Public Drinking Water Program.

Kelly Lipinski reviewed the purpose and goals of non-profit KBFMP. She invited attendees to obtain a copy of the February 2015 Newsletter and to contact the KBFMP for information, questions or concerns.

Dave Schade from DNR reported on his recent meetings with KPB Assembly members in Juneau. The K-Beach Area High-Water Relief and Prevention Feasibility Study and proposed Seventh Street Water Conveyance Structure topics were discussed during the meeting and DNR Commissioner Mark Myers posed questions, indicating that the key to the project moving forward is data. Mr. Myers is very cautionary that any proposals include proper engineering to avoid unintended consequences. Mr. Schade also reported that the KPB Assembly has the attention of DNR Deputy Commissioner.

Mr. Schade stated that his personal opinion is to do the study. He noted that funding for the study is not currently available from DNR, yet he (Schade) is requested to work with the Task Force. DNR participation is currently in front of the commissioner, according to Mr. Schade.

Co-Chair thanked all agency and KPB representatives for their briefings and comments.

Dave Yragui reviewed the purpose of the local/small road drainage projects subcommittee to meeting attendees. He reported that the subcommittee has identified Lori Jo Street and Scott Avenue intersection, Eider Drive, Patrick Drive and Eastway Road intersection, as priority local/small drainage projects recommended by the subcommittee as Task Force action items. Discussion followed and attendees also identified Daisy Avenue and Farr Street/Silverweed Street, Buoy Avenue, Dana Bayes Road, and Mistral Street as needing culverts and/or drainage. The purpose of the projects is to facilitate the orderly movement of excess surface waters blocked by the identified roads (damming) during storms. By moving these excess waters through culverts according to sound science and engineering practices, the identified projects would provide some flood relief to local properties, which are currently suffering from a lack of local drainage to move waters away from building foundations, water well casings, and inundated leach fields.

There was comment from individuals about particular culvert problems.

Carol Martin said that the Borough spent a lot of money on Buoy Street and then came back in and put culverts in - and they didn't put them right on grade some are not in right and they stopped one culvert short of draining a barnyard and whatever. They spent how many thousands of dollars and they could have spent one more culvert and cleared up a whole bunch of problems and why didn't they do it and I confronted the mayor and he said we don't want to

benefit that guy that lives down on that other road. That s a fact; that's a quote; Mayor Navarre said we didn't want to put that last culvert in because we did not want to improve the value of the property at the end of Buoy street. I've got a witness.

Ted Scroggins said that at the road board meeting they promised they would come out and he has been trying to get a culvert in at Lori Jo for 20 years without success and it's just getting worse.

A lady who lives on the end of Buoy Avenue said that a project person had told her that if they had put the culverts all in on Buoy Avenue then all the water would have come down and we would have been flooded again and they are going to do it, but not until the water goes down.

Debra Brown said that she has lived on Silverweed Street for 31 years and has water in crawlspace now almost a foot deep and homes on Silverweed have replaced hot water heaters and furnaces and have tubes coming out of their houses and the lady from the roads department said somebody on Lori Jo or Scott dug a big trench and now water is coming our way. They need to take care of Lori Jo quickly because it's destroying our whole subdivision. We need some kind of relief over there. A motion was made by Colleen Bass and seconded by Scott Mobley to approve the following resolution:

The K-Beach High-Water Drainage Task Force endorses the installation of culverts to the following roads affected by inadequate drainage:

- 1. Lori Jo Street and Scott Avenue intersection**
- 2. Patrick Drive and Eastway Road intersection**
- 3. Daisy Avenue and Farr Street/Silverweed Street**
- 4. Buoy Avenue**
- 5. Dana Bayes Road**
- 6. Mistral Street**

Following discussion, the resolution was approved unanimously.

Kelly Lipinski of the KBFMP (a non-profit) and Jim Munter, of J. A. Munter Consulting, Inc., a contractor to the nonprofit, described the Seventh Street Storm Water Conveyance Structure project. The purpose of the project is to facilitate the orderly movement of excess surface water that occur during storms to waters of Cook Inlet and the Kenai River greater drainage system according to sound science and engineering practices. By moving these excess waters, this project would thus providing some flood relief to local properties, which are currently suffering from a lack of local drainage to move waters away from building foundations, water well casings, and inundated leach fields.

Plans are underway to submit permit applications as soon as possible for construction before winter is over. Important criteria by the agencies in the approval of the project would be a public interest finding in favor of the project.

A motion was made by Colleen Bass and seconded by Scott Mobley to approve the following resolution:

The K-Beach High-Water Drainage Task Force endorses the construction of the Seventh Street Storm Water Conveyance Structure.

Following discussion, the resolution was approved unanimously.

Co-Chair encouraged attendees to contact Senator Peter Micciche for funding of the Feasibility Study large scale project; KPB Assembly members Stan Welles, Kelly Wolf, and Wayne Ogle for questions regarding the KPB resolution to support our Task Force; and concerns that Hilcorp Road may be identified as a dam which is contributing to backup of natural drainage in some affected areas. Co-Chair also encouraged KPB Assembly to line up with what the Task Force is trying to do and voiced support for meeting attendees to both attend KPB Assembly meetings and to email assembly members their concerns.

Dave Yragui encouraged attendees with concerns regarding damaged properties related to high water flooding to appeal related KPB tax assessments.

Co-Chair questioned Mr. Schade regarding the status of the Task Force letter to DNR and KPB and other agencies for clarification on the status of potential unauthorized diversions of water at roads. Mr. Schade responded that he does not think the letter had the intended effect. As you know I have been trying to facilitate cooperation with the Borough and it did not happen, which puts me in the regulatory mode of whether we think there is a violation of the Water Use Act. In short, there are two reasons it does not meet the technical definition of a violation of the Water Use Act. First, because the borough is not intending - the intent of these ditches are not to impound the water. The long and short of it is that under the platting laws the borough has the right to work in the rights of ways on its roads and ditches. It is a little nebulous at what point they go beyond their rights and get into the Water Use Act. At this point, it is our determination that if you build a ditch for the primary purpose of diverting water then it triggers the threshold. If you are just clearing out a ditch and not putting a culvert in, then, at this point, it will not necessarily create an enforcement issue. I say not necessarily because what it comes down to is a study on where water comes from, how much from where and how much is impounded and then you get into the amounts that you were talking about.

I have continued to work with the borough on their ditching. There are two views on these issues that are diametrically opposed. This group looks at ditches and movement of water.

These subdivisions and roads were built by others and turned over to the borough and were designed for infiltration, which works fine except now they don't work very well with high groundwater. They don't work very well with nowhere for the water to infiltrate down.

The balancing act is how do we carefully move and manage surface water without going into the rules of diverting and dewatering groundwater. Going into the EPA dewatering rules is not where we want to go. We want to be very clear that we don't want to be dewatering groundwater.

As long as we can come up with proposals about moving water we can continue to have conversations and facilitate cooperation.

If I have to go down the road and start doing enforcement, I will have to enforce on everybody and everything, so I will start with Dave and other people behind him and we'll go down through and people that may or may not be in violation. We have had these discussions before.

The lines are not real clear - they are not meant to be. That is why I have suggested having proposals come in with hydrology and engineering and to the degree that we are dealing with surface water then we can move forward. If it is dewatering groundwater then there needs to be a longer term study and we need to be very careful about what we do. We and the agencies will look at proposals quickly and expeditiously and decide if permits are needed.

It is not quick and not easy. We need everyone talking which is first step and I will continue to facilitate that.

Section line proposal - I tried to be clear about what is needed; we'll turn it around and we'll know right away if there is more that needs to be done.

It's really important to continue the conversation to try to figure out what is going on here. I have technical folks that do not necessarily agree with some of what I've heard that is going on. This is a complicated wetland complex. I have a new PhD surface water hydrologist and Melissa does groundwater and we'll see if it can be done without impacts or what type of mitigation might need to be done.

I am expecting a quick review from agencies. This is really complicated and the highest level of people is looking at it. The potential unintended consequences could be severe - so need to make sure it does not cause harm to downstream people or rivers etc. Not going to get into a fight with the federal government about habitat destruction.

Not seeing roads per se as being diversions or dams. On a case-by-case basis the discussion can be had and I will look at individual situations. I will look at the Hilcorp road, as it is a little bit larger road. With right engineering some ideas might have merit and can move forward.

Caution that we need hydrology engineering and data to move things forward because we need to worry about unintended consequences.

Toby Burke asked about how historic natural fluctuations in water table fits into the dewatering rules and how does that work. Isn't there a way to return to the way things used to be in settled areas, not wild properties? Are you saying we should not attempt or consider lowering the water table to bring them back to what they were before?

Dave Schade: I'm saying you have to be extremely careful - I don't have jurisdiction over the dewatering of an area. If you stay in areas that were not wetlands, then we are fine. We will let Corps provide those lines to make sure we do not go over.

Mr. Munter added that the letter to DNR was focused on diversions of storm water flow and has practically nothing to do with groundwater dewatering.

When asked by Co-Chair, "What can we do to get KPB to work with us?"

Mr. Schade responded, "If this group will come with the proposal and deliver it to DNR, then DNR will look at it and go to KPB with it."

KPB Assemblyman Kelly Wolf summed it up by stating that if DNR looks at our proposals with the KPB Assembly, there is money; we are coming up on a budget, and the KPB Assembly's sole role is to control the KPB checkbook.

Kelly Lipinski from K-Beach Flood Mitigation Project reported that she met with KPB Mayor Navarre on the Proposed K-Beach Seventh Street Project and that he was open to the possibility of opening up a piece of KPB property to assist with carrying out the project.

Co-chairperson Jim Munter asked the Task Force for a motion for a resolution that KPB hire a drainage engineer. A motion was made by Dave Yragui and seconded by Peggy Dye to approve the following resolution:

The K-Beach High-Water Drainage Task Force supports that an Alaskan drainage engineer be hired by the Kenai Peninsula Borough:

Following discussion, the resolution was approved unanimously.

The next meeting of the Task Force was set for March 23, 2015 with no objections.

Attendees were again encouraged by Co-Chair to make changes or additions on the signup sheet. Ted Scroggins verified to attendees that KSRM Radio representative attends each and every meeting of this Task Force.

KPB Assemblyman Kelly Wolf recommended that attendees contact Charlie Pierce at Enstar if they have concerns about underground natural gas lines that may possibly be installed higher than standard thus impacting effective placement of driveway or road culverts.

Attendees voiced concern over water standing in road ditches.

A motion to adjourn the meeting was made by Peggy Dye and seconded by Colleen Bass. There was no objection and the meeting was adjourned at 8:48pm.

Minutes submitted by Sherron Collins