

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122
MEETING MINUTES
18 January 2010**

A. CALL TO ORDER

The meeting was called to order at 7:00 PM.

B. ROLL CALL

BOARD MEMBERS

Bill Williamson, Chairman
Randy Stauffer, Vice Chairman
Bob White
Terry Federer

STAFF

Christina Stauffer
Administrative Assistant

Matt Hall – Absent excused.

BOROUGH STAFF

John Mohorcich, Director Gilman River Center
Dan Mahalak, Hydrologist, Gilman River Center

B1. APPROVAL & SWEARING IN OF NEW BOARD MEMBERS

Chairman Bill Williamson introduced and welcomed board candidates Tena Morgan and Walter Sedlik to the meeting and asked the board's wishes regarding approval to appoint Walter Sedlik to board seat B and Tena Morgan to board seat E.

Vice Chairman Randy Stauffer moved to approve the candidates to the respective board seats.

The motion was seconded and unanimously approved.

Administrative Assistant Christina Stauffer administered the oath of office and the new board members were seated.

C. APPROVAL OF AGENDA

Bill Williamson called for approval of the agenda.

Randy Stauffer moved to approve the agenda.

The motion was seconded and opened for discussion.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Christina Stauffer requested the addition under Item H, Correspondence and Review of Payment Requests a letter from the US Army Corps of Engineers (USACE).

Terry Federer moved to approve the agenda as amended.

The motion was seconded and unanimously approved.

D. APPROVAL OF MINUTES

Bill Williamson called for approval of the minutes.

Bob White moved to approve the minutes as written.

The motion was seconded and unanimously approved.

E. PRESENTATIONS

- **City of Seward**

The City of Seward was not represented at this time.

- **Kenai Peninsula Borough**

Dan Mahalak, Hydrologist for the Gilman River Center reported first on the status of the Old Mill Buyout. He stated that 24 applications had been received by the January 15th deadline. Prioritization meetings were to be held and hopefully have answers out to the homeowners in February. Dan also said that Community Emergency Response Training was being held in Seward. If anyone is interested, Dan said he had the information. He went on to report that the SBCFSA Risk Assessment proposal had been submitted to Homeland Security for possible HMGP Grant funding. He said that he did not yet have the timeline on approval for grant applications but would have this information by the next meeting. Finally, Dan related that he met with members of the Gilman River Center staff and representatives from FEMA Region X via teleconference to discuss permitting questions and issues. FEMA expressed concern that there appeared to be no enforcement, that the codes did not seem to address structural integrity issues and that state rules regarding septic systems in the floodway did not appear to be connected to floodway development permitting through borough codes.

Bob White asked if FEMA had any suggestions regarding solutions for the septic issue.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Randy Stauffer asked what the outcome of the meeting was, other than discussion. Is FEMA looking for the Kenai Peninsula Borough (KPB) to do something and in what time frame?

Dan Mahalak responded that he could not, at this time, answer either question. FEMA did seem to want certain things addressed that are not currently in our code. The meeting was called to review a particular property in White Sawmill.

John Mohorcich, Director, Gilman River Center announced that Scott Walden, Director of the KPB Office of Emergency Management has resigned for health reasons. The mayor is trying to put an interim structure in place to determine how the department will function and then work on a long range plan. Hopefully the borough will be able to find someone very capable and knowledgeable about Seward.

John reported that the borough is conducting a 21.18 review of borough codes regarding the 50 foot habitat protection area on streams. These codes have not been applied to Seward streams because the streams could not be pinned down when this review was conducted in 2000. A committee will be looking at how well this code is working across the borough. John said he will be working with Assemblywoman Sue McClure and Assemblyman Bill Smith of Homer. John stated that he has not yet had a chance to talk to them but he assumes they have ideas about where this review process might take the borough. The mayor has made it clear that he would like people to think outside the box. We are looking for some positive movement toward dealing with riparian areas, floodplains, subdivision codes and even possibly zoning. This review is an opportunity for these things to be discussed. The review will probably be a two to three year process. John said that if there are opportunities for the SBCFSA to get involved he will keep the board up to speed. The first phase of the review will address housekeeping issues in terms of the existing code. There will eventually need to be public hearings and this could be a very large process. It will be interesting to see what direction it will take us. The mayor wants community input.

John stated that he had been asked to report on the status of the negotiations between the borough and the Alaska Department of Natural Resources (DNR) regarding navigability. He reported that there has not been much movement. There has been some correspondence back and forth but no movement. The biggest card the state has played is the material sale agreement to remove 10,000 cubic yards of gravel from Salmon Creek which has expired. They have asked if the borough is interested in extending this permit or renewing it. They have, however, not backed down on any

issues. The mayor wants to make sure that the SBCFSA knows that a new version of this contract has come to the borough and that the mayor is looking for input. If the

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

SBCFSA feels that material sale is still appropriate and have any recommendations to deal with issues that we know are still out there.

Matt Gray, Resurrection Bay Conservation Alliance, informed the board that the RBCA has been working with the Kachemak Heritage Land Trust (KHLT) for several years. The KHLT has basically been focusing its efforts on the area at the head of the bay. Based on recommendations from NOAA and Fish and Wildlife they are expanding their interest to areas further up the waterway that involve fish habitat. There is a possibility of combining funds with other agencies. There is currently \$180,000 available to purchase salmon habitat type of lands. Matt went on to say that the Kenai Peninsula Fish Habitat Partnership is moving forward. There is a meeting planned on January 22nd at the Cook Inlet Aquaculture Building.

F. PUBLIC COMMENTS

There were none at this time.

G. BOARD'S RESPONSE TO PRESENTATIONS

Randy Stauffer stated that he thinks that navigability is still the number one largest issue facing the service area because it affects a number of residents depending on where the line is drawn. It could actually amount to a taking of private land. Even if a taking does not arise, the navigability issue certainly involves charging for the gravel that is on public and private land. This is an area that affects all citizens and we need to not let this issue die. Randy said that he does not have a particular solution at this point but it seems that if the state refuses to back off we might need to force the issue and gather data on the ordinary high water boundary ourselves. We need to stop guessing.

Bob White commented that navigability kills us. The state's position is such an outrageous claim. The DNR Commissioner insists that the state owns land when it is not proven and they are unwilling to gather scientific data to support their claim. Until they come through and determine what is and what is not they do not have claim to anything. They are stealing property that people have paid for and paid taxes on. Until this is resolved the board cannot afford to do a single job. This thing needs to be done away with.

Tena Morgan said that she thought the state had already determined what was navigable and what was not.

Dan Mahalak explained that the state has made claims of navigability but have not officially made a statement detailing extent of ownership.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Tena Morgan said that she thought there was a lawsuit currently over this issue.

Discussion was held regarding the Huns vs. Alaska case regarding a navigability dispute in Skagway.

Terry Federer explained that the state has provided no science to back up their navigability declaration.

Bill Williamson told the new members that Dan and Christina could provide documents and explanations regarding the history of navigability and the SBCFSA.

Walter Sedlik said that he read some stuff on the website and cannot imagine why the state is doing this to people.

Randy Stauffer stated that it is really all about securing mineral rights to gas and oil for the state.

Terry Federer agreed that this issue is possibly the most important one the board has to deal with right now.

Bill Williamson said that he agreed with everyone else. The current material sales contract was never signed by the borough because they had disagreements with it. The new contract is being offered was basically the same. He said that he was not willing to accept anything under these terms. They have been given ample time to come up with determination criteria for ordinary high water. Bill said he believes that the state just wants the entire issue to go away. The board should force the issue and require them to make a determination.

Randy Stauffer moved to add this item to the next agenda so the board members have time to think what they would like to do as a next step.

Discussion was held regarding need for public notice before items can be added to the agenda so no vote on this could be held at the present meeting.

John Mohorcich suggested that since the board is looking for a legal option they should invite the KPB legal department to come and advise.

The motion was seconded and unanimously approved.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

H. CORRESPONDENCE & PAYMENT REQUESTS

- **Payment Request – TelAlaska**

Bill Williamson asked for the board's wishes regarding the TelAlaska bill for \$90.63.

Randy Stauffer moved to pay the bill.

The motion was seconded and unanimously approved.

- **US Army Corps of Engineers Letter**

Dan Mahalak explained that USACE sent the board a letter based on a request he had made almost a year ago for a review of their 205 proposal for Box Canyon Creek. They have replied and this comes with the substantial potential for funding. The original letter was received by the borough mayor's office but the copy to the SBCFSA apparently went astray. USACE called to find out why the board has not responded. Dan said that he followed this up with the mayor's office. The mayor wishes to have a meeting with USACE on Wednesday, January 27th. USACE will be providing back up information as to the process and further refinement of the product of study here in the service area. Eventually they will want to sign agreements. Dan asked if the board wished to send representation to the teleconference.

Bill Williamson stated he was not certain if he would be in town then.

Randy Stauffer said he could be available on the 27th if the board wants to authorize him to go.

Discussion was held regarding possible projects to propose.

Bill Williamson commented that there are two projects outside the city that are equally crucial and that would be Box Canyon and Upper Kwechak. Of the two he said he thought Box Canyon might have priority.

Discussion was held regarding the possible outcome of a benefit cost analysis on the two areas.

Bill Williamson said that the highest benefit cost ratio would be for Bear Lake Subdivision and that Dan had already run these numbers.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Randy Stauffer asked if the borough might be looking at any other potential projects. He said he was aware that the City of Seward had turned in two proposals and the SBCFSA has two as well.

Dan Mahalak stated that his initial correspondence with USACE was in regard to a Watershed Masterplan. This could be a source of funding for the plan.

Tena Morgan pointed out that the issue on the table was who should attend the meeting on the 27th.

Bill Williamson answered that Randy would be attending and that they were just discussing what he should say.

Discussion was held about the possible content of the meeting.

Dan Mahalak suggested that USACE probably did not need project priorities at this time but just needed to refine what we want here.

Randy Stauffer said a motion was needed that the board wished him to go and represent the SBCFSA on these issues.

Terry Federer so moved.

The motion was seconded and unanimously approved.

I. PERMITS FOR REVIEW

There were none at this time.

J. OLD BUSINESS

- **2009-09/Floodplain Task Force**

Christina Stauffer informed the board that KPB Assembly Member Sue McClure was looking for input about reconvening the Floodplain Task Force.

Bill Williamson briefly described the Floodplain Task Force (FTF) for the benefit of new members.

Randy Stauffer said he had been on the FTF and he remembers that it was in the minutes that the task force would convene one more time before KPB Ordinance

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

2009-09 goes into sunset. As far as he is concerned the FTF has already committed to another meeting and he recommended that they go ahead with this meeting.

Bill Williamson remarked that when 2009-09 was enacted the Seward area was between assembly members with Ron Long retiring and Sue McClure coming on. He recommended that Sue might need some more time to prepare. Bill suggested that this be tabled until the next meeting.

Randy Stauffer moved to table discussion of the Floodplain Task Force until the next meeting.

The motion was seconded and unanimously approved.

K. NEW BUSINESS

- **KPB All Hazard Plan Update**

Christina Stauffer explained that she had been contacted by the KPB Planning Department regarding upgrading the KPB All Hazard Plan. She reminded board members that the Seward/Bear Creek Flood Hazard Mitigation Plan had been appended onto the KPB All Hazard Plan and stated that she would be willing to attend meetings and work with Planning to adapt the plan as needed. She pointed out that the recent FEMA training she had attended had her up to speed on how this should be done. She said she had been told that at this time the borough just wanted to “hit the high spots”.

Randy Stauffer said that municipalities had to update their hazard plans every 5 years. FEMA no longer recognizes individual hazard plans and wants everything to be all-hazard. There are specific rules about what that plan needs to contain. In the past many plans have not been followed up with action and FEMA’s updated guidelines require milestones. Randy expressed concern that the borough’s approach would be just to hit the high spots.

John Mohorcich said he has seen a draft of the outline with a floodplain section that includes coastal erosion which was not in the plan before. The board needs to be knowledgeable about that. What the borough does is go to the individual cities and ask for their plans and then incorporate them into their larger plan. Randy is correct that they do want things more concrete in some areas and want to see that communities are moving as guided by their plans. He said this is especially true in areas where there is history of disasters that require repeated FEMA assistance.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Randy Stauffer moved that Christina attend these meetings and keep the board advised.

- **FY2011 Budget Introduction**

Christina Stauffer informed the board that the FY2011 budget process was underway. She briefly explained the current financial status of the borough and the SBCFSA. Christina went over the various contract services accounts and explained how these monies could be apportioned. She proposed putting project planning on the next agenda.

Randy Stauffer stated that if the board wanted to spend more money on any specific project or move already dedicated money to another project they would need assembly approval. The board needs to spend some or all of this money before we need to roll it over again. We already get questions from the assembly about the amount of money in the fund balance.

Terry Federer said he was confused and thought the board had offered money to the borough to help cover the cost of the emergency mitigation during the high water event here in July 2009.

Bill Williamson replied that this money had been offered but that the borough had never accepted it.

- **Seward Area Wetlands Functional Assessment Proposal**

Matt Gray of the Resurrection Bay Conservation Alliance introduced a draft proposal to obtain funding for a Seward area wetlands functional assessment. Matt passed out copies of a shorter version of his draft than that presented in the meeting packet. He said that Dan Mahalak had told him that more wetland assessment would be needed for the proposed Watershed Masterplan. This study could be considered as an appendix to this plan. He also pointed out that this study would not happen if no one championed it so Matt had taken it on. There are a bunch of projects that would fit into a Masterplan including a channel migration analysis. To get back to this specific project, basically this study would add knowledge of the function of our wetlands. The Kenai Watershed Forum has already done a wetland assessment which is available for viewing on the KPB GIS website. There are maps online. These maps do give data and history and some of the function. This study would fill in the details. It would answer questions such as; what is the storage volume, what are the habitat issues and would involve ground truth surveying. There is some information available but we want to expand on this so that it is specific to each area. We want to focus on salmon habitat since that is so important to the economy and ecology of this

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

area. This study would also help bring the anadromous stream catalog up to date. We want to define all the groundwater fed streams that are at the bottom of hills and are attached , in some cases, to the more volatile streams. Salmon can weir in these slower streams and even winter over. We need to get more detailed maps and ground truth surveys. This study does not affect the City of Seward much but we still need to get them on board. At this point I am here just for an update. The request for proposal has not come out yet for the grant program we are hoping to pursue. The deadline will be in April. I want to go in and talk with the various borough departments and get this polished up and come back after that for board support. We will bring in wetlands advisory people, and board members for this effort. Matt pointed out the last page of his draft which included estimated numbers for in-kind matching funds. He said he would be back in a month or so with an update. The Kenai Watershed Forum is a full partner for this study. The RBCA is trying to work in partnership with the board in other areas as well such as land acquisition. We hope you folks have seen that we are not out to shut down gravel extraction for flood mitigation.

Bob White stated that he had met recently with Dan Bosch from Fish and Game. F&G are working on a comprehensive fish habitat study which is on line to happen this year. They have funding for this.

L. INFORMATIONAL ITEMS AND REPORTS (No action required)

There was none at this time.

M. PUBLIC COMMENT

There was none at this time.

N. BOARD COMMENT

Terry Federer thanked the new board members for joining the team.

Walter Sedlik said he really did not have any comment because he does not know what to say at this point. He said was confused and awed and need to see how he fits in. Walter added that he hopes to be an asset.

Bob White welcomed the new member aboard. One of the things for this year to concentrate on is how w are spending our money so we do not stray from the purpose of the SBCFSA. That purpose is to concentrate on preventing flooding and hazards in the area with the meager budget that we have.

**SEWARD / BEAR CREEK FLOOD SERVICE AREA
REGULAR BOARD MEETING
SEAVIEW PLAZA BUILDING, SUITE 122**

Randy Stauffer commented that navigability is a huge issue. The board is advisory to the mayor and the assembly but we were elected by local residents. SBCFSA money comes from taxes on these residents and navigability affects these taxpayers hugely. We need to keep pushing on this issue until we get it finalized. Randy said he is happy to work with the mayor and assembly but not willing to let this issue die.

Bill Williamson thanked the new members for donating their time to this board which is crucial to this area. We have some huge issues to deal with that affect many people. We are still trying to figure out how to deal with navigability for instance. Bill said he wanted to remind everyone that he has been chairman for a long time and is looking for a break. He added that he will be here until he is no longer needed.

O. ADJOURNMENT

Bob White moved to adjourn the meeting.

The motion was seconded and unanimously approved.

MEETING ADJOURNED at 8:35 PM.

NEXT MEETING WILL BE MONDAY, FEBRUARY 1, 2010 AT THE SEAVIEW PLAZA BUILDING, SUITE 122 AT 7:00 PM.

Christina Stauffer

Secretary

Minutes Approved: 1 February 2010
Date of Approval