

## **APPENDIX A: ISSUE RESPONSE SUMMARY**

A total of 163 comments (including a petition signed by multiple individuals) were received during the public notice period for the KARSUA draft decision. Enclosed is the Issue Response Summary outlining comments received during the 70-day public comment period, and the formal responses and accepted revisions from the Southcentral Regional Offices (SCRO).

The issues described below are outlined in tables in the following format: ***Described*** (*what is the problem?*); then a description of the ***Impacts*** that are related to the issue (*why is it a problem?*); followed by ***Proposed Facilities and Actions*** (*see Appendix B: Facilities and Improvement Recommendations*); then the ***Proposed Protections or Special Requirements*** outlined in the draft KARSUA decision; and the ***Final Protections or Special Requirements*** which “aid or address the impacts or resolve the issue(s). The Final Protections or Special Requirements identified in these tables will be approved by the issuance of this decision and recommended for adoption into regulation.

The following issues are summarized in table format along with the relevant Issue Response Summary section:

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Other issues identified during the comment period are listed below and addressed by the relevant Issue Response Summary section:

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**SANITATION, HUMAN WASTE AND DISPOSAL:** Human waste and dumping of trash is an increasing social and environmental concern on both upland and tideland areas adjacent to the river mouth (units KN and KS). State funded and privately contracted temporary sanitation facilities (port-a-potties and dumpsters) have been placed at the end of Cohoe Beach Rd (unit KS), the end of Kasilof Beach Rd (unit KN), and Fisherman’s Road (KPB land). These facilities are beneficial, although should be located closer to the users since a lack of adequate facilities is resulting in the public utilizing the adjacent dunes, beaches, and wetlands as a bathroom.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Proposed Protections or Special Requirements</b></i>	<i><b>Final Protections or Special Requirements</b></i>
<ul style="list-style-type: none"> <li>➤ Sanitation issues surrounding the dunes, grasslands and beach area</li> <li>➤ Human waste impacts to recreational users and adjacent landowners</li> </ul>	<ul style="list-style-type: none"> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities, locate closer to users.</li> <li>❖ Signage and kiosks</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Prohibition to place, drop, or discard waste or refuse (including human waste) except within the provided sanitation facilities</i></li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>A person may not place, drop, or discard waste or refuse (including human waste) on state land, or in state waters, except within approved sanitation facilities</i></li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Sanitation &amp; Disposal Facilities</b></p>	<p><i>Seasonal Portable Toilets and Dumpsters</i>  Comments suggest continuing with seasonal sanitation support services along the main access points and expanding portable toilet and dumpster services to the mouth of the Kasilof River where the majority of users congregate during the dipnet fishery.</p> <p><i>Vaulted Toilets</i>  Several comments support construction of vaulted toilets near the main access/parking areas along Kasilof and Cohoe Beach Roads.</p>	<p><b>Response:</b> The public demand for seasonal sanitation support is extremely high during the personal use fisheries. The SCRO has recognized the importance of this issue for the past several years and worked to find solutions to address this ever increasing issue.</p> <p>In order to continue to provide seasonal portable toilets and dumpsters at the three main access points (Kasilof Beach, Cohoe Beach, and Fisherman’s Roads) additional financial support is required. During the 2010 fishing season, approximately \$25,495 was allocated to provide 15 portable toilets and 6 dumpsters during the eight week fisheries. This same level of service is anticipated to cost up to 30K for the 2011 fishing season.</p> <p>One management action is to locate these facilities closer to the users and provide additional units during peak use periods. Providing seasonal services on the beach near the river mouth to directly support the users is challenging since it requires unique equipment, similar to how the City of Kenai supports users during the July dipnet season. In order to establish a similar service at Kasilof, some type of long term contract (3-5 year) or funding source would be required to interest companies to perform this specialized service. Estimated costs for this type of service ranges from 45K to 55K per year.</p> <p>Expanding seasonal services to support users will alleviate pressure on the dunes/wetlands, adjacent private property, and reduce impacts to the surrounding resources.</p> <p><b>Revision:</b> None-Appendix B, Facilities and Improvement Recommendations of the final decision explains the need to locate seasonal improvements closer to the users near the Kasilof River mouth within Units KN and KS.</p> <p><b>Response:</b> The addition of two vaulted toilets was proposed along Cohoe and Kasilof Beach Roads and still recommended provided adequate funding and oversight is available. However this type of infrastructure is expensive. Rough cost estimates for just the installation of one (double capacity) vaulted toilet is approximately 45-60K plus maintenance and operational costs range from 15-20K per year. This figure does not include planning and design fees. Despite</p>

Description	Issues/Comments	Response/Revision
	<p><b><i>Vandalism</i></b> Some comments expressed concern that costly permanent improvements will become a target for vandalism.</p> <p><b><i>Availability</i></b> Other comments express concern that permanent facilities would only remain open on a seasonal basis and local residents would not have the same level of use.</p> <p><b><i>Combination of Seasonal and Permanent Improvements</i></b> Comments recommend providing a combination of both permanent and seasonal support services.</p>	<p>the costs to develop and maintain vaulted toilets, permanent infrastructure would go a long way to improve user’s experience while addressing increasing demands at the main access points.</p> <p><b>Revision:</b> None-the Facilities and Improvement Recommendation section already suggests providing vaulted toilets along Kasilof and Cohoe Beach Roads within Units KN and KS.</p> <p><b>Response:</b> With development of improvements on public land there is always a risk of vandalism. This risk can be reduced with dedicated field staff, signage and additional oversight from local interest groups.</p> <p><b>Revision:</b> None</p> <p><b>Response:</b> Concerns regarding the seasonal or year round availability of permanent improvements is also dependent upon funding and oversight. The SCRO will continue to focus on providing seasonal improvements and expand services as resources allow.</p> <p><b>Revision:</b> None</p> <p><b>Response:</b> While this option is the most expensive, it also provides the greatest level of sanitation support. As the KARSUA develops, additional funding sources may provide for both permanent and seasonal sanitation services.</p>

**DEGRADATION OF DUNES AND WETLANDS:** The areas adjacent to the personal use fisheries have been impacted by increased human use and the associated activities. The grass covered benches (“the dunes”) are heavily used by campers and fisherman especially for the two months during the personal use fishery(s). The use of motor vehicles including ATV’s both on and off existing trails has impacted the area. Also of particular concern is the extensive recreational use of ATV’s in the adjacent wetlands.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<p>Degradation to the wetlands and dunes significantly limits the ability of these lands to perform the following functions:</p> <p>-Provide a natural barrier to protect the adjacent wetlands</p> <p>-The wetlands provide water storage, habitat for various species, and perform important water quality functions.</p>	<ul style="list-style-type: none"> <li>❖ Fencing for habitat protection</li> <li>❖ Limit motorized vehicle use to designated trails</li> <li>❖ Designated parking/staging areas</li> <li>❖ Improve access</li> <li>❖ Provide seasonal sanitation facilities closer to the users.</li> <li>❖ Install permanent vaulted toilets</li> </ul>	<p>✓ <i>Operation of a motorized vehicle is limited to beach areas and designated trails/areas<sup>1</sup> **<sup>2</sup></i></p>	<p>✓ <i>Operation of a motorized vehicle is limited to beach areas and designated trails/areas</i></p>

<sup>1</sup> The term motorized vehicle is defined as “a wheeled or tracked vehicle whose propulsion is provided by an engine or motor”. Limitations on the use of motorized vehicles does not apply to aircraft or boat, or on state or borough maintained roads, private driveways, designated parking, designated trails, beaches, and other areas including Fisherman’s Road and the established trails through unit KB.

<sup>2</sup> \*\* PROPOSED ACTIONS THAT RESOLVE MULTIPLE ISSUES

Description	Issues/Comments	Response/Revision
<p><b>Dune / Wetland and Habitat Protection</b></p>	<p><b>Support Protecting the Habitat:</b></p> <ul style="list-style-type: none"> <li>• The SUA will protect the habitat</li> <li>• Management and protection is long over-due</li> <li>• Save the dunes and grasslands. It is an environmentally sensitive area and fragile ecosystem home to fish, fisheries, wildlife and indigenous plants</li> <li>• Protect dunes/wetlands for fish, nesting birds, spring and fall shorebirds, and waterfowl</li> <li>• Support conservation in the area</li> <li>• Dunes and associated wetlands are being destroyed by heavy human uses such as off-road vehicles and waste-disposal</li> <li>• The dunes/wetlands need protection from human waste, trampling and traffic</li> <li>• Losing valuable habitat from inappropriate human use</li> <li>• Stop camping, motorhomes and wheeling on the dunes</li> <li>• Some public have disregard for the dunes and watershed area as they come and “wreakcreate” on the river and beaches</li> <li>• Hope the SUA will protect this important habitat for many years to come</li> </ul>	<p><b>Response:</b> SCRO agrees that the state lands within the KARSUA require additional protections. Therefore the KARSUA decision provides specific requirements for the area. The state lands within the KARSUA boundary have been determined as having special biological, habitat, and recreational values that warrant additional protections and special requirements. SCRO agrees that the areas of state land adjacent to the mouth contain valuable habitat, including additional areas of state land within the lower river that also share and/or contain special values that require additional levels of management and protection (see boundary discussion).</p> <p>The parcels of state land within the KARSUA provide important habitat to a variety of species as documented in the decision, therefore should be managed per the requirements as listed within the decision. The KARSUA is habitat for moose wintering and rutting; an individual seabird nesting colony on the lands south of the mouth; spring and fall concentration area for ducks and geese; trumpeter swans, black bears, harbor seals, and both resident and anadromous fish populations; waterfowl hunting also occurs within this area. The grassy dunes provide stabilization and protections for adjacent wetlands. These areas were also identified as having important habitat and recreational values as listed in the Kenai Area Plan.</p> <p>The establishment of the KARSUA provides protection of habitat while preserving the important recreational opportunities in the area. Most of the requirements within the KARSUA decision directly aim to manage resource impacts in the area (such as human waste and vehicular recreation). If allowed to continue, these impacts would result in degradation of habitat and in turn affect the species distribution and abundance within this area. The resources in this area are codependent and many users from conservationists to commercial fisherman rely on the areas sustainability. Through designation of this SUA, responsible uses including recreation and commercial opportunities will continue to exist, while protecting habitat.</p> <p><b>Revision:</b> No change.</p>

Description	Issues/Comments	Response/Revision
	<p><b>Support dune fencing:</b></p> <ul style="list-style-type: none"> <li>• Fencing is overdue</li> <li>• Support fencing to keep ATV's off, keep beach open to ATV hauling, and going back and forth to the fishing grounds</li> <li>• SUA will make dune fencing effective to protect habitat</li> <li>• Support fence and associated SUA</li> </ul> <p><b>Support designated access routes:</b></p> <ul style="list-style-type: none"> <li>• There is minimal opposition to a fence and related signage to identify habitat off limits to vehicular traffic in the summer months</li> <li>• Rebuild the dunes and define access to direct motorized traffic</li> <li>• Use the beach not the dunes, they are sensitive</li> <li>• Support controlled access (vehicular corridors) and limiting ATV's off the dunes and wetlands</li> <li>• Support allowing historical access trails, while still protecting the dunes</li> <li>• It is not clear now where you should drive</li> <li>• Support the designated routes for stabilization of the dunes for the wetlands</li> <li>• Habitat destruction is happening from uncontrolled ATV use</li> </ul>	<p><b>Response:</b> The SCRO has approved a Kasilof Historic Society's dune fencing project in the fall of 2010 under land use permit LAS# 27627. This fencing project is anticipated for installation in May of 2011 to protect habitat and limit motorized uses except on designated trails within the Kasilof South Unit. The approval of the fence alone does not create limitations on vehicular traffic through the dunes or wetland areas and would not specifically direct traffic. This is a function of the KARSUA.</p> <p>The establishment of the special use area designation in combination with the fence project and associated signage will protect these areas from certain uses, and thus limit the impacts. Although ADF&amp;G does have tips for the area that aim to minimize the impacts to the surrounding resources, these tips are not enforceable. In addition, the management of the uplands and tidelands is a function of SCRO. The fencing project and the SUA are separate projects although share the common goals to protect the habitat of the KARSUA.</p> <p><b>Revision:</b> No change</p> <p><b>Response:</b> SCRO agrees that controlled access through the use of the beach and designated trails is a well-rounded management decision that continues to provide good access to and from the fisheries while protecting the habitat and dune areas. The approval of the fencing project on the south side of the mouth will still allow access to and along the beach, and also provides access via an established upland trail. The establishment of the fence and signage will help educate the public and the requirements of the area (see the management actions in the decision).</p> <p><b>Revision:</b> No change</p>

Description	Issues/Comments	Response/Revision
	<p><b>Do not support:</b></p> <ul style="list-style-type: none"> <li>• Dunes are not affected by ATV use</li> <li>• People mostly stay off the dunes, and have not witnessed extensive recreational use of ATV's</li> <li>• Fencing is not warranted</li> <li>• Degradation of the area is overdone, by the locals not wanting to share the resource</li> </ul>	<p><b>Response:</b> SCRO disagrees that the area, particularly the dunes are not impacted by the current ATV and vehicular traffic use. The purpose of designated routes and corridors is not to limit the public from accessing the fisheries. The decision and associated recommendations in fact provide for increased recreational opportunities, but in a more responsible manner that does not damage the resources in which the actual fishery and other recreational uses depend upon. The fencing project was a separate decision, although was determined to be appropriate and in the best interest of the state.</p> <p><b>Revision:</b> No change</p>

**PARKING AND EXTENDED STAYS:** Increased public participation in the Kasilof River Personal Use Fisheries and extended stays during these fisheries has raised the question about how long is appropriate for users to stay and get their fish. This question is complicated by the fact that users of the set gillnet fishery typically stay longer and utilize a different area versus dip net users.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Proposed Protections and Special Requirements</b></i>	<i><b>Final Protections and Special Requirements</b></i>
<ul style="list-style-type: none"> <li>➤ Users parking on grasslands adjacent to the beach impact the vegetation (compaction).</li> <li>➤ Users parking away from sanitation and trash facilities are more likely to use the adjacent areas.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Designated parking and trails</li> <li>❖ Signage and informational kiosk</li> <li>❖ Implement a “User Pay Fee System”</li> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Fencing for habitat protection</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>A permit is required to park, stage or camp for a period longer than 14 consecutive days</i></li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>An authorization is required to park, stage or camp for a period longer than 21 consecutive days, seaward of the vegetative line (the beach).</i></li> <li>✓ <i>An authorization is required to park, stage or camp for a period longer than 14 consecutive days, landward of the vegetative line.</i></li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Parking and Extended Stays</b></p>	<p><i>Extended Stay Limits</i>            Commenter's express the following concerns:</p> <ul style="list-style-type: none"> <li>• Limiting stays to 14 days or less creates an undo hardship on families to setup and take down sites instead of focusing on fishing</li> <li>• We already stay beyond 14 days to establish our camps before the set gillnet fishery</li> <li>• 14 days is too long and a lower threshold should be established to keep people moving in and out of the area</li> </ul>	<p><b>Response:</b> One of the main differences in opinion on how long is appropriate for individuals to stay in one place is which fishery an individual participates. For example, many who participate in the set gillnet fishery prefer to establish their camp sites early and often stay the entire opening. On the other hand, those who participate in the dip net fishery often establish their camps when they show up and typically participate in the fishery for a shorter duration of time.</p> <p>It is also important to recognize where participants in each fishery camp, and the surrounding resources. For example, participants involved in the set gillnet fishery typically establish camps close to the sites they intend to fish along the one mile north and one mile south sections of beach from the river mouth. Set gillnet users are dispersed and often camp along the toes of the many bluffs in the area. These areas tend to be below the vegetative line (the beach). On the other hand, dip net participants tend to concentrate at the mouth on both sides of river. Camps are generally established on the beach next to vehicles or a short distance away on the adjacent uplands above the vegetative line.</p> <p>Another development that will affect where participants park and camp is the DNR approved dune fencing project on the south side of the river. Once established, the fence will limit motorized uses landward of the fence and encourage motorized uses along designated trails. This project does add a greater level of protection to the dunes, grasslands, and wetland habitat. One of the anticipated consequences of this action is users wishing to camp within the protected dune fencing will need to park and manually transport camping equipment over the fence. The end result is anticipated to encourage lower impact camping practices within the fenced area, not to eliminate camping opportunities altogether.</p> <p>Based upon the differences between recreational use patterns described above, and the surrounding habitat in which they occur, the SCRO is adopting two different extended stay limits depending upon where the uses occur in relation to the vegetative line. The vegetative line is generally depicted along the front side of the dunes and defines the boundary between uplands and the beach for the purposes of describing many allowable use limits within the KARSUA.</p>

Description	Issues/Comments	Response/Revision
	<p data-bbox="394 992 600 1019"><b>Prohibit Camping</b></p> <p data-bbox="394 1024 1073 1081">Some comments suggest prohibiting camping for the following reasons:</p> <ul data-bbox="443 1089 1024 1211" style="list-style-type: none"> <li data-bbox="443 1089 1024 1117">• The fisheries are only open from 6am-11pm daily</li> <li data-bbox="443 1122 1024 1149">• Plenty of campgrounds exist elsewhere</li> <li data-bbox="443 1154 1024 1211">• This will result in less pressure on the habitat and support facilities</li> </ul>	<p data-bbox="1123 233 1898 505">For uses that occur above or landward of the vegetative line, parking, staging and extended stays will be limited to a 14 consecutive day limit. This maintains the current Generally Allowed Use regulation outlined in 11AAC 96.020 and requires camps to be moved at least two miles by the end of the 14 day period. Moving the entire camp at least two miles starts a new 14-day period. For uses occurring below or seaward of the vegetative line (i.e. the beach), parking, staging and extended stays will be allowed for a 21 consecutive day limit. Again, at the end of the 21 day limit, camps must be moved at least two miles.</p> <p data-bbox="1123 537 1808 594"><b>Revision:</b> The final decision will include the following special requirements:</p> <ul data-bbox="1171 634 1898 813" style="list-style-type: none"> <li data-bbox="1171 634 1898 716">• An authorization is required to stage or camp for a period longer than 21 consecutive days on the beach, seaward of the vegetative line</li> <li data-bbox="1171 756 1898 813">• An authorization is required to stage or camp for a period longer than 14 consecutive days landward of the vegetative line</li> </ul> <p data-bbox="1123 846 1898 967">Additional reference will clarify these extended stay limits are only effective seasonally each June 1-August 15<sup>th</sup>. Outside of this timeframe, the Generally Allowed Use camping limit of 14 consecutive days will apply both above and below the vegetative line.</p> <p data-bbox="1123 1000 1885 1333"><b>Response:</b> The draft decision did not recommend eliminating the public’s ability to camp within this area, nor does this final decision. The SCRO is tasked with the challenge of managing state lands based upon multiple use principles and providing opportunities for the public to enjoy state resources while managing these resources to ensure they are available for future generations. The variety of recreational opportunities this area offers is just one example of why a balanced management approach is necessary to accommodate all users. Improving and maintaining access, offering camping alternatives, and developing basic management actions to protect the resources has been the impetus for the development of the KARSUA.</p> <p data-bbox="1123 1365 1297 1390"><b>Revision:</b> None</p>

**PUBLIC ACCESS:** Access to the lower Kasilof River is very important to many Alaskans. Access to the river mouth is via upland trails and the beach, although many users tend to use the adjacent dunes and wetland areas for other uses not associated with the fisheries.

<b><i>Impacts</i></b>	<b><i>Proposed Facilities or Actions</i></b>	<b><i>Final Facilities or Actions</i></b>
<ul style="list-style-type: none"> <li>➤ Degradation of habitat from recreational ATV use via direct and indirect access to the fisheries.</li> <li>➤ Complicated land ownership patterns in key access points.</li> <li>➤ Limited access can encourage trespass on private lands.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Recognize and preserve existing public access routes to the fisheries.</li> <li>❖ Coordinate with land owners to limit impacts to private lands.</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Identify and secure important public access routes within the KARSUA using designated access points and routes.</i></li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Public Access</b></p>	<p>Comments express the following concerns:</p> <ul style="list-style-type: none"> <li>• This proposal will restrict access to state land</li> <li>• I want to park, walk the beach, fish, and enjoy the area</li> <li>• Public access should be improved</li> <li>• Legal dedicated access must be maintained</li> </ul>	<p><b>Response:</b> The draft decision clearly outlined the importance of identifying and securing public access routes within the KARSUA and recommended several upgrades such as parking and sanitation facilities to accommodate the public’s use and enjoyment of the area. One example is DNR’s recent acquisition of a Mental Heath Trust parcel of land located at the end of Cohoe Beach Road. This parcel is now owned by DNR and managed for multiple use purposes, which ultimately guarantees public access on the southern side of the Kasilof River.</p> <p>Contrary to misconception, the SCRO is not proposing to put up gates and charge fees to the public or local residents for the use of the beach, to walk their dogs, or to otherwise enjoy the public resources. If and when a user fee system is ever introduced in this area, it would only be effective from June 1 thru August 15 each year. Only those residents participating in the fisheries would be subject to the fee.</p> <p>The designation of a special use area will not impede or discourage public access into the area and the fisheries. Instead, the designation of this area recognizes the area’s special resource values that require additional protections and requirements. For example, the dunes and associated wetlands do warrant additional protection beyond Generally Allowed Uses.</p> <p>The SCRO has authorized the installation of a dune fence, aimed to limit motorized use landward of the fence on the southern side of the river. The fence will provide a form of habitat protection and encourage users to stay on designated motorized trails. The public will continue to be able use the main access trails to access the river mouth seaward of the fence on the south side of the river.</p> <p><b>Revision:</b> Clarification of approved access routes, improvements, and the potential introduction of a user fee pay system is reflected in this decision within Appendix B, Facilities and Improvement Recommendations.</p>

Description	Issues/Comments	Response/Revision
	<p><b>Tract B, U.S. Survey 83</b>            During the review, one comment was received from the private land owner of Tract B, U.S. Survey 83 expressing frustration at the lack of management this area has received and the misuse of his property over the years by short term public visitors. The owner outlined impacts to his property and is encouraged that the adoption of the KARSUA will provide much needed management to the area. The owner also expressed interest in selling this parcel to the appropriate public entity.</p>	<p><b>Response:</b> Since access is integral to the use and enjoyment of the area, identifying private land that may have a public benefit is essential to preserving this area for future public use. At this time, only one private parcel remains within the boundaries of the KARSUA, which is referenced as Tract B of U.S. Survey 83. This parcel is located on the north side of the river and is currently subject to a 60-foot public access easement that extends from the end of Kasilof Beach Road to the river mouth. Since the public easement is critical for accessing the mouth on the north side of the river and the owner does not object to keeping Tract B, U.S. Survey 83 within the boundaries of the KARSUA, it will remain within the special use area. Currently this parcel is listed for sale.</p> <p><b>Revision:</b> The KARSUA decision recognizes the importance of this parcel and its potential public benefit on the north side of the river.</p>

**KASILOF RIVER PUBLIC BOAT FACILITY:** There is limited opportunity for the public to utilize boats on the Kasilof River. The state must continue to work with agencies, stakeholders, and private landowners to identify the best location for a public boat facility on the Kasilof River.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Final Facilities or Actions</i>
<ul style="list-style-type: none"> <li>➤ Limited public boat access.</li> <li>➤ Decreased recreational opportunities</li> <li>➤ Increased risk to public safety</li> <li>➤ User conflicts between commercial guides, private landowners, and the general public</li> </ul>	<ul style="list-style-type: none"> <li>❖ Determine if demand exists for a launch facility. Demand for a drift only retrieval facility has been documented.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Additional stakeholder, public and agency input are needed. Much work remains to determine whether or not such a facility is needed, what services it would provide, where it would be located, and who would manage it.</li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Public Boat Facility</b></p>	<p>Commenter's expressed the following concerns against (2:1) a boat launch facility in the lower river:</p> <ul style="list-style-type: none"> <li>• Increased pollution</li> <li>• Habitat damage</li> <li>• Conflicts between users</li> <li>• No infrastructure to support (parking, etc)</li> <li>• Phase the project</li> <li>• Create unsafe conditions</li> <li>• Neighborhood conflicts</li> <li>• Interfere with Beluga traffic</li> <li>• Inconsistent with goals of SUA</li> <li>• Stupid idea</li> </ul> <p>Commenter's who support (1:2) a boat launch facility in the lower river express the following:</p> <ul style="list-style-type: none"> <li>• Decrease other habitat damage by focusing the activity</li> <li>• Relieve beach traffic</li> <li>• Addresses needs of all users, not just drifters</li> <li>• Good idea, long time coming</li> </ul>	<p><b>Response:</b> The purpose of including "Boat Launch/Recovery" as an issue in this decision was to obtain an official "reading" of public opinion on the subject. It was not intended to decide the location and/or outcome of such a facility. Much work remains to determine whether or not such a facility is needed, what services it would provide, where it would be located, and who would manage it. The Division of Parks and Outdoor Recreation (DPOR) has requested funding through the Department of Natural Resource's Capital Improvement Budget to determine feasibility and, if appropriate, find a site for a boat retrieval system. At the present time, there are no plans to locate, develop, or operate a boat launch or recovery site within the boundaries of the KARSUA. Public responses and opinions on this topic are documented in the record of the KARSUA decision (this Issue Response Summary and Facilities Recommendations) and the data is available to the DPOR and others should they decide it is helpful in their decision making process.</p> <p>Overall opinions (2:1) of responders were against the idea of a boat launch facility in the lower river. Reasons cited included: increased hydrocarbon pollution; damage to fish habitat; increased congestion; public safety being compromised; no infrastructure to support this activity (parking etc.); create conflicts in residential neighborhoods for egress and ingress; will interfere with Beluga Whales; is inconsistent with goals of this Special Use Area; is not consistent with character and traditional use of Kasilof River system; and is just plain stupid. Not all commenter's who opposed facilities in lower river specifically supported a recovery only option upriver, but many did. A couple commenter's conditionally supported a facility in the lower river, but cited the need for more time to study this option, and the need to phase any such development.</p> <p><b>Response:</b> Supporters, although fewer in number, had a number of reasons of why a boat launch would decrease other habitat damage as it focuses this activity; relieves beach traffic where this activity is now taking place; it will meet the needs of all users, not just drifters; and it is a good idea whose time has come.</p> <p>Based on the information obtained it is difficult to draw conclusions about public opinion on this subject. However it can be said that there is</p>

Description	Issues/Comments	Response/Revision
		<p>not agreement on the question of constructing a launch facility on the lower river, or at all.</p> <p>Several people seem ok with the idea of a recovery facility, but not so much on the lower river. No comments were received on the subject of engineering challenges on the lower river, or the lack of public or private land suitable for supporting such a facility on the lower river. No comments were received about the history of locating a recovery only site on the upper river, or the current proposal sponsored by the DPOR to develop a recovery site on the upper river.</p> <p><b>Revisions:</b> The Facilities and Improvements Recommendation Section will be updated to describe that the inclusion of a lower Kasilof River public boat facility within that section is not intended to decide the location and or outcome of such a facility. The purpose of including a potential Boat Launch/Recovery facility within the draft decision was to obtain an official “reading” of public opinion on the subject.</p>

**EARLY SETTING OR STAGING OF FISHING GEAR:** The personal set gillnet fishery is open June 15-June 24 each year and attracts an increasing number of participants. Per ADF&G fishing regulations, the sites are on a “first come, first served basis” and the placement of signs, running lines, buoys, or dry nets on the beach in anticipation of incoming tides or fishery opening does not constitute any prior right to net location. Sites are only established when the net actually enters the water. It has become a common practice for users to have sites marked and gear staged on the beach beginning in mid May of every year. The current Generally Allowed Use regulations (11 AAC 96.020) do not adequately address this situation.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Proposed Protections or Special Requirements</b></i>	<i><b>Final Protections or Special Requirements</b></i>
<ul style="list-style-type: none"> <li>➤ It is violation of state regulations to stage gear for periods greater than 14 days per the Generally Allowed Uses.</li> <li>➤ Potential user conflicts between fisherman, private land owners and the public.</li> <li>➤ Battling for sites (“who’s on first”).</li> </ul>	<ul style="list-style-type: none"> <li>❖ Restrict pre-site selection more than 7-days in advance of the fishery unless authorized by a DNR land use permit.</li> <li>❖ Obtain enforcement authority for the current 14 day Generally Allowed Use regulation.</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>A permit is required for any placement or setting of gear on the beach or adjacent tidelands, more than 7 days prior to the Kasilof River Personal Use Set Gillnet Fishery.</i></li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>A person may not place or set gear on the beach or tidelands prior to May 1<sup>st</sup> each year in anticipation of the Kasilof River Personal Use Set Gillnet Fishery</i></li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Early Setting or Staging of Fishing Gear</b></p>	<p><i>Pre-Staging Limit</i> Comments contained the following points:</p> <ul style="list-style-type: none"> <li>• Limiting the staking of sites until 7-days prior to the opening of the fishery will create additional pressure, competition, and conflicts for sites</li> <li>• Establishing camps and sites prior the opening is necessary to protect sites and gear from being stolen</li> <li>• Everyone knows the staking of sites does not constitute a legal fishing site, rather sites are established when the net reaches the water on opening day</li> <li>• The issue of pre-staking conflicts has been over emphasized</li> <li>• Creating a permit system to stake sites defeats the intent of the fishery and is only a means to generate state revenue</li> <li>• Tide cycles for staking offshore do not necessarily coincide with the opening of the set gillnet fishery</li> </ul>	<p><b>Response:</b> Initially, SCRO perceived this issue to be more of a problem. Further research and public comments received indicate this is less of a problem than previously thought. The pre-staging issue was characterized in the draft decision as a disorderly system of the equitable allocation of fishing sites and a strain to public safety resources. Neither of these two issues became evident through public testimony, conversations with public safety officials, or public comment. Therefore, the SCRO is revising the proposal in the draft to limit pre-staging of gear from 7 days before the annual June 15<sup>th</sup> set gillnet opening. Associated extended stays related to the set gillnet fishery appear to be occurring early enough for individuals to establish camps, set pins and running lines, and make last minute adjustments.</p> <p>SCRO does not intend to discourage a system that has been working for the general public or somehow limit opportunity to participate in this unique 10 day fishery. Rather the goal is to bring some reasonable level of order to the pre-staging timeframe so all users can enjoy the opportunity to setup well in advance of opening tide. For these reasons, SCRO is not proposing a pre-staging limitation on fishing gear from May 1<sup>st</sup> thru the opening of the gillnet fishery on June 15<sup>th</sup> at this time. The SCRO does reserve the right to modify this requirement and impose a specific time limit on staging should this become more of an issue in the future.</p> <p><b>Revision:</b> The Protections and Special requirements section will be modified to include the following action:</p> <ul style="list-style-type: none"> <li>• A person may not place or set gear on the beach or tidelands prior to May 1<sup>st</sup> each year in anticipation of the Kasilof River Personal Use Set Gillnet Fishery.</li> </ul>

**TARGET AND RECREATIONAL SHOOTING:** With increased participation in the fisheries and no proactive “on the ground” management, activities such as recreational shooting have increased in popularity. The areas of the fisheries are generally flat with little changes in topography with several local residences nearby. Recreational target shooting in this area during the personal use fisheries is a serious public safety concern.

<i>Impacts</i>	<i>Proposed Facilities or Actions</i>	<i>Proposed Protections or Special Requirements</i>	<i>Final Protections or Special Requirements</i>
<ul style="list-style-type: none"> <li>➤ Due to the number of recreational users and residences in this area, target shooting is not a compatible use.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational boards</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Restriction on discharging of a firearm for the purpose of target or recreational shooting</i></li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>A seasonal restriction on the discharging of a firearm for the purpose of target or recreational shooting during the personal use fisheries. This restriction does not prohibit legal hunting openings.</i></li> </ul>

Description	Issues/Comments	Response/Revision
<p><b>Target Shooting</b></p>	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> <li>• Target shooting is not appropriate in the area during the fishery, however locals use the area in the off season</li> <li>• Common sense should tell everyone that no shooting is allowed</li> <li>• It is not happening all the time</li> <li>• Target shooting restrictions are needed during the fisheries for public safety</li> <li>• Target shooting occurs outside of the fishing period</li> <li>• It should be prohibited. There is no need for firearms.</li> <li>• Never noticed any shooting</li> </ul>	<p><b>Response:</b> SCRO agrees that target shooting during the times of the personal use fishery is a public safety concern. Participants including families' camp and use the beach and dune areas during this time.</p> <p>The abundance of people and the various activities that occur during the seasonal fisheries renders target shooting a public safety hazard. Although SCRO agrees that target shooting should be restricted during this busy time, we do not see the need to create a year-round restriction.</p> <p><b>Revision:</b> Target and recreational shooting will be restricted seasonally during the personal use fisheries (June 1- August 15). The definition of target and recreational shooting will be defined and include a note that no restrictions will apply to any lawful hunting activities in the area.</p>

**WATER QUALITY:** Direct impacts to water quality have not been reported to date on the lower Kasilof River. The growing concentration of users and lack of adequate sanitation facilities near the river mouth does pose a serious concern for water quality and public health. The area around the Kenai personal dip net fishery recently reported elevated levels of bacteria which can be transmitted through fecal matter. Potential sources were identified as high wildlife concentrations (harbor seals and birds) and humans. In the future, similar water quality issues could appear in the Kasilof River system if not monitored and adequately managed.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Proposed Protections or Special Requirements</b></i>	<i><b>Final Protections or Special Requirements</b></i>
<ul style="list-style-type: none"> <li>➤ Water quality affects the health of humans, wildlife, and the fisheries.</li> <li>➤ Decreased water quality can impact the health of the adjacent wetland systems.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li> <li>❖ Install permanent vaulted toilets</li> <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li> <li>❖ Fencing for habitat protection</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Prohibition to place, drop, or discard waste or refuge (including human waste) except within the provided sanitation facilities</i></li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Prohibition to place, drop, or discard waste or refuge (including human waste) except within the provided sanitation facilities</i></li> </ul>

Description	Issues/Comments	Response/Revision
<b>Water Quality</b>	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> <li>• Tide and river currents wash the area</li> <li>• Boat crews contribute to human waste</li> <li>• Improve sanitation for better water quality</li> <li>• DEC recommends additional bacteria monitoring to confirm the effectiveness of additional sanitation facilities</li> <li>• DEC plans to obtain grants for Kasilof River and beach monitoring</li> </ul>	<p><b>Response:</b> SCRO agrees that although water quality may not be a significant issue at the present time, the need for additional sanitation facilities and monitoring is needed in the area to maintain public health. This is also apparent as seen from elevated levels of bacteria on the Kenai River during the summer of 2010. SCRO is interested in working with any special interest groups to monitor water quality within the lower river. Many of the requirements within the draft and final KARSUA decisions address many of the uses that could impact water quality if not adequately managed.</p> <p><b>Revision:</b> Language will be incorporated into the final decision recommending coordination between SCRO, DEC, and local user groups to monitor water quality in the lower river during the personal use fisheries.</p>

**FISH WASTE:** Another growing concern is the irresponsible disposal of fish waste. This is a particular issue when carcasses are stockpiled or disposed of landward of the vegetative line, on the uplands.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Proposed Protections or Special Requirements</b></i>	<i><b>Final Protections or Special Requirements</b></i>
<ul style="list-style-type: none"> <li>➤ The disposal of fish waste on the uplands promotes unsanitary conditions.</li> <li>➤ Disperses users from the area and puts strain on upland trash facilities.</li> <li>➤ Irresponsible disposal of fish waste attracts wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li> <li>❖ Public outreach and education</li> </ul>	<ul style="list-style-type: none"> <li>✓ Fish waste should be disposed of in accordance with applicable ADF&amp;G guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>✓ A prohibition to dispose of fish waste on the uplands (landward of the vegetative line).</li> </ul>

Description	Issues/Comments	Response/Revision
<b>Fish Waste</b>	<p>Commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> <li>• Put fish carcasses back in the water, and out of the way of birds, bears and other wildlife</li> <li>• Bury fish waste, so it is not left on the beach</li> <li>• Install fish cleaning facilities with dumpsters on both sides of the river mouth</li> <li>• Incorrect disposal is an issue</li> <li>• Install kiosks, post signs and have flyers to educate the public on responsible fish waste disposal</li> <li>• Install bear resistant dumpsters</li> <li>• ADF&amp;G does not have any regulation or guidelines for the proper disposal of fish waste</li> <li>• Fish waste may degrade water quality when amounts attract birds and other wildlife. Fecal matter from concentrations of wildlife can impact water quality in the direct area of the personal use fishery</li> <li>• DEC recommends during low-moderate use times direct fishers to place fish waste back into the water and rake the beach so daily tides can carry waste away. During high use times provide covered containers above the Mean High Tide, then take the waste to fish processors to grind and dispose per their wastewater permits</li> </ul>	<p><b>Response:</b> It is important to clarify that there is a need to establish recommendations for the responsible disposal of fish waste. Currently, there is no official ADF&amp;G or agency regulation or guidelines for the disposal of fish waste.</p> <p>Although the large majority of users dispose of their fish waste back into the tidelands, there are occasions in which fish waste is deposited onto state uplands and private property. SCRO recommends disposing of fish waste by either placing the carcasses back into the tidelands (as far out as possible) or by burying it on the beach (seaward of the vegetative line).</p> <p>Some comments suggested that SCRO install fish cleaning stations and or provide bear resistant covered containers. While SCRO believes this is a reasonable idea, resources to provide these types of services does not exist at this point in time.</p> <p><b>Revision:</b> Revise the requirement for the disposal of fish waste to read: A person may not dispose of fish waste landward of the vegetative line.</p>

**TRESPASS:** Trespass related issues on private lands tend to increase during the personal use fishery periods. Although the majority of users typically stay within state lands, some users do utilize the adjacent private lands for camping, disposing of waste, and other activities. The existence of public roadways near private property also encourages increased trespass situations as users look for parking and camping options.

<i><b>Impacts</b></i>	<i><b>Proposed Facilities or Actions</b></i>	<i><b>Final Facilities or Actions</b></i>
<ul style="list-style-type: none"> <li>➤ Adjacent land owners contend with unauthorized uses of their property. This creates user conflicts with local residents.</li>   <li>➤ Damage to local property is unacceptable and may create legal conflicts.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Signage and informational kiosk</li>   <li>❖ Provide seasonal toilets and trash facilities and locate closer to users.</li>   <li>❖ Install permanent vaulted toilets</li>   <li>❖ Limit motorized vehicle use to designated areas</li>   <li>❖ Improve and clearly identify suitable public access.</li> </ul>	<ul style="list-style-type: none"> <li>✓ <i>Provide adequate sanitation support facilities for the public and educate users about land ownership patterns within the KARSUA. (see Appendix B)</i></li> </ul>

Description	Issues/Comments	Response/Revision
<b>Trespass</b>	<p>Comments expressed the following:</p> <ul style="list-style-type: none"> <li>• Lack of support facilities increases trespass onto private property as users look for places to go to the bathroom, collect firewood, etc.</li> <li>• We have had boats vandalized and our backhoe stolen by a person who got their vehicle stuck on the beach</li> <li>• There is a lack of justification to warrant action regarding increases in private land trespass</li> <li>• Fencing and barriers should be placed to ensure that private owners are protected</li> <li>• Make this area “Day Use Only” to reduce trespass issues</li> </ul>	<p><b>Response:</b> The SCRO recognizes the importance of this issue and the need for additional facilities and active land management in this area, especially during the eight week personal use fisheries.</p> <p>Based upon public comment, field inspections, and conversations with local land owners, it is evident there is a problem with users trespassing onto private properties. Many landowners have taken steps to post their properties and or create physical barriers to identify their property boundaries. Despite these efforts uncontrolled uses of private property will continue to be a problem without basic management actions and dedicated facilities.</p> <p>The combination of additional services such as parking areas and sanitation facilities will alleviate some trespass issues. The need for public education and awareness regarding land ownership patterns in the area will be communicated to the public thru signage, kiosks, and field contacts with the public.</p> <p>Revisions: None</p>

Description	Issue/Comments	Response/Revision
<p><b>Management Action</b></p>	<p><b>Management Actions</b></p> <p>Most people who commented on this topic agreed that some elevated level of land management was necessary, and directly supported creation of a special use area. However some felt no elevated level of management was necessary. Whether they were for, or against, many commenter’s qualified their positions with concerns that included:</p> <ul style="list-style-type: none"> <li>• Protection of the affected habitat is a legitimate goal;</li> <li>• The boundary is larger than necessary to deal with the issues identified;</li> <li>• A system of user fees are unpopular with some, but appeared to be grudgingly accepted as necessary by others;</li> <li>• Some think that despite no assurances to the contrary, this will become a state park unit complete with controlled access, fees, and regulations, and they do not favor that result;</li> <li>• A very small number of people actually specified their preference for a special management system modeled after the Kenai River unit managed by Alaska State Parks;</li> <li>• Not enough data in hand to justify creation of an SUA;</li> <li>• The state should create some basic infrastructure, as suggested, but should use existing human and financial resources and not “grow government”;</li> <li>• State should fix the real problem (fisheries rules), and leave the rest alone.</li> </ul> <p>There seems to be a consensus across all levels of interested parties that decisions made years ago, which changed the scope and character of the personal use fishery, are responsible for the land and water impacts being addressed in this decision. Pervasive among people holding this opinion is the notion that making changes to the personal use fishery rules is the way to resolve the land management issues addressed in this decision. Consequently, creation of an SUA is seen as an infringement of personal rights through unfair imposition of regulations, fees, and other requirements.</p>	<p><b>Response:</b> Regardless of the cause(s) of the current situation surrounding the personal use fishery at the mouth of the Kasilof River, the intensity of use and poor behavior by some of those participating in the fisheries presents a legitimate challenge for state land and water resource managers. When Generally Allowed Activities (11AAC 96) exceed expected limits, affected natural resources can experience unwanted or negative impacts, and the rights of individual Alaskans to use and enjoy their commonly owned natural resources can be impaired. SCRO believes this threshold of negative impacts has been reached with respect to some resources, and will impact other resources as use patterns continue to intensify.</p> <p>Based upon a review of existing data, and the results of the intensive public and agency review process leading up to this decision, SCRO believes it is necessary to step up its management response for state land and water at and near the mouth of the Kasilof River. While some have criticized the process undertaken to reach a decision in this matter, a process like this is a necessity when working in an environment where resource management issues and public (user) concerns compete for the attention of limited human and financial (government) resources. Increased management attention usually comes at an increased cost, and this process fleshes out the broad as well as the specific issues which need to be understood as decision makers decide on a proper course of action.</p> <p>As mentioned in the “Issues” column, most Alaskans can agree on the importance of managing impacts to important habitat to provide for healthy and productive fish and game populations. DNR works closely with the Department of Fish and Game to accomplish appropriate levels of habitat protection on state lands and water throughout Alaska, and more importantly to this decision, here in the vicinity of the Kasilof River. However, DNR’s mission and mandate is to go beyond habitat management to include management of all Alaska’s commonly owned resources for sound development, protection of their unique resource values, and the ability of current and future generations of Alaskans to use and enjoy them.</p>

Description	Issue/Comments	Response/Revision
		<p>This requires a delicate balancing act in that unless habitat is categorically called out and identified such as a legislatively designated “Critical Habitat Area”, it is considered general state land and impacts to it are considered along with other uses. This is important to understand when responding to the concern that the proposed SUA boundary is too large, much larger than originally envisioned by those advocating protection of the Kasilof Dunes (see boundary section).</p> <p>User fees are addressed in a separate area of the “Issue Response” document. <u>However, the relationship between user fees and the creation of an SUA can use a bit of clarification.</u> Many comments expressed concerns with the idea of paying user fees for public services. And there is a wide diversity of opinion with respect to which, and to what extent, services should be provided, if at all. It is also clear that most commenter’s do not favor growth of government. On the other hand, they would like to see some physical and security oriented improvements made in the vicinity of the mouth of the Kasilof River to protect the environment, as well as make the human experience a better one. We doubt that anyone would argue that porta-potties and dumpsters are not a necessary and appreciated improvement during the fishing season at the Kasilof. Plainly these services cost money, money which has been provided through a variety of sources over the past several years, without benefit of a designated SUA. Those sources of money are not reliable year to year, whereby a system of revenue provided by user fees would arguably provide a more reliable source of continuing revenue to support sanitation and safety efforts for the area. <u>The creation of an SUA is not mandatory in order for DNR to institute a system of user fees to cover the cost of providing improvements to state land on or near the Kasilof River.</u></p> <p>After hearing and reading all of the concerns raised during the extensive public review and comment process, SCRO believes the proposed special use area provides the best overall solution to the management problems identified at this time, and offers a flexible approach for meeting future resource management demands in this area.</p>

Description	Issue/Comments	Response/Revision
		<p>Reasons for this include: This designation ...</p> <ul style="list-style-type: none"> <li>• brings focus and administrative resources to the issue of habitat impacts and protection;</li> <li>• achieves the first 6 of the 8 goals listed on page 4 of the proposed decision. Goals 7 and 8 may be met if this SUA is fully implemented;</li> <li>• requires no transition from one management agency to another;</li> <li>• continues management as multiple-use lands with full consideration for all uses</li> </ul> <p><b>Revision:</b> None. <u>The management alternative chosen, following the public review and comment process, is the special use area.</u> This option facilitates management and development of an administrative unit reflective of high natural resource values, indicative of intense public interest, and site of a highly popular personal use fishing opportunity that is not expected to reduce participation opportunities in the foreseeable future. Additionally creation of a special use area conveys the important message to the recreating public that this area is special, contains unique attributes, and needs protections if it is to be used and enjoyed by future generations of Alaskans.</p>

Description	Issues/Comments	Response/Revision
<p><b>KARSUA Document / Process</b></p>	<p><b>Technical (Wording, References, etc.):</b>  SCRO received comments regarding the use of specific words and phases within the draft that were described as unsuitable or out of context. SCRO also received comments stating that some of the narrative and background within the draft was subjective and/or inaccurate. Some commenter’s also requested that SCRO be more specific regarding some of the proposed management actions and include additional definitions to but particular words in context.</p> <p><b>Public Notice, Meetings, Administrative Process, etc:</b>  <b>Public Notice:</b> Commenter’s stated that the majority of local residents were not informed; inadequate notification was given to property owners within the proposed boundary; and some requested a 45 day extension.</p> <p><b>Meetings:</b> SCRO received comments asking for additional meetings in Wasilla and on the Kenai Peninsula (Kasilof and Kenai). Some local residents asked why SCRO did not take public testimony and also requested SCRO to suspend the final decision and consult with the residents in a public forum prior to implementing the decision. The Commenter’s state that the</p>	<p><b>Response:</b> In reading the comments in relation to the draft document, SCRO agrees that some changes should be made regarding the use of specific words and phases. SCRO will make the appropriate changes to better describe particular actions and words, and agrees to expand the definitions section.</p> <p><b>Revision:</b> See changes within the final decision as described above.</p> <p><b>Responses:</b></p> <p><b>Public Notice:</b> The draft decision for the KARSUA was available for both public and agency review for a total of 70 days. The draft decision was forwarded to approximately 400 interested parties for public comment beginning October 1, 2010 thru December 10, 2010. The SCRO also developed a user friendly KARSUA website containing pertinent information with the option to submit comments online. The original notice and comment period was scheduled to close on November 15, 2010 but was extended to December 10, 2010 by SCRO to accommodate a number of requests to extend the comment and notice period. The original notice was published in the Anchorage Daily News and the Peninsula Clarion on October 7, 2010, and then noticed again in the Anchorage Daily News and the Mat-Su Valley Frontiersman in November 2010 during the extension of the comment period. The KARSUA notice was also posted on the DNR public notice webpage; sent out for media release and public service announcements, posted at several U.S. Post Offices from Talkeetna to Homer including Kasilof, Clam Gulch, and Kenai; forwarded to adjacent landowners; native corporations; local government; interest groups; and many internal and external government agencies. The SCRO disagrees that this decision was inadequately noticed.</p> <p><b>Meetings:</b> During the notice period, three public meetings were conducted by SCRO to introduce the draft KARSUA decision, solicit comments, and answer questions and address public concerns. Meetings were conducted in Anchorage and Kasilof in October 2010, and a third public meeting was held in Wasilla in early December 2010 as a result of requests for additional meetings and SCRO decision to extend the</p>

Description	Issues/Comments	Response/Revision
	<p>residents need a say in the final decision process, with meaningful discussions and consideration of alternatives.</p> <p><b>Administrative Process:</b> SCRO received requests to postpone the final decision to allow for additional studies in the area; other comments stated: there is a lack of evidence to support the proposed actions; further opportunity should be given to comment and review the draft decision; and comments should be weighted in favor of groups.</p> <p>Comments were received stating that DNR should not be the sole body controlling the evaluation of comments and some opposed DNR's 3-step process consisting of a draft decision, comment period and final decision. DNR is basing the decision for an SUA upon two letters from local groups; and the process is narrowly defined to three actions and alternatives in order to promote the largest SUA possible.</p>	<p>original comment period. At all three meetings SCRO allowed for public comment and questions and answered questions in an open forum. In addition to these three public meetings, representatives from SCRO attended several meetings in the area. In April of 2010, SCRO attended a community meeting in Kasilof to discuss the south side fencing project; in May of 2010 SCRO attended another meeting in Kasilof with key agency representatives, legislators, and the public to discuss issues on the lower Kasilof River during the personal use fisheries; SCRO also attended an additional public meeting in Kasilof on February 26, 2010, per a legislative request. The purpose of this meeting was for SCRO to openly answer any additional questions or concerns from the public in an open forum prior to issuing the final decision for the KARSUA. (See also the next section for additional meeting information)</p> <p><b>Administrative Process:</b> SCRO included the following paragraphs to better describe the establishment of the KARSUA and the processes. The KARSUA designation is an administrative decision developed under the authority of AS 38.05.020. This written decision provides the basis for the establishment of the KARSUA designation, including the rational and justification for regulations to be adopted (as a separate process) under 11 AAC 96.014. These regulations, once adopted will limit certain uses that would otherwise be Generally Allowed (11 AAC 96.020) in order to prevent ongoing impacts to the area. It is important to note that there are two approval processes; the first being this decision for the establishment of the KARSUA; and the second process is for the adoption of KARSUA and associated regulations under 11 AAC 96.014 per the Alaska Administrative Procedures Act. In summary, this decision provides the background and rational for associated protections and special requirements to be adopted as regulation under 11 AAC 96.014.</p> <p>The SCRO is the direct manager of the state owned lands within the proposed KARSUA. SCRO has received several requests from concerned citizens to fellow agencies (including the Borough) to address the impacts on state land associated with the thousands of people that flock to the area during the personal use fisheries. For the past several years, SCRO has administered temporary sanitation facilities during the fisheries and has conducted several field inspections</p>

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		<p>of the area before, during, and after these eight week fisheries.</p> <p>The Kasilof Regional Historical Society hosted a community meeting in April 2010 to discuss fencing solutions to protect the dunes and wetlands from heavy uses during the personal use fisheries. The SCRO attended this meeting in which the general consensus was to support the establishment of a fence on the south side of the river. During this meeting, potential management actions, which included the designation of a special use area was also discussed in an open forum.</p> <p>In Spring 2010, SCRO received an application from the Kasilof Regional Historical Society to construct a permanent fence on the south side of the Kasilof River. The purpose of this fence was to limit vehicular traffic landward of the fence in order to promote the regeneration of the vegetation within heavily impacted areas. During the public comment period for this land use permit application, a total of 47 comments were received. Comments outlined the associated impacts to the area and need for additional protections, including active enforcement. SCRO continued to explain that although the decision to construct a fence was approved, without specific protections or special requirements identified and adopted into regulation for the KARSUA, a fence alone would not resolve the impacts to the dunes.</p> <p>Under direction from the Governor’s Office in May 2010, the DMLW held an agency management review and discussion that was attended by key representatives from DMLW, ADF&amp;G, DPOR, DEC, DOT, MHT, DPS, UNI, Kenai National Wildlife Refuge, Mayor Carey (Kenai Borough) Representative Chenault, Amy Seitz (Senator Wagoner’s Office), Konrad Jackson (Representative Olson’s Office). The public was also invited and attended by some members of the community. The purpose of the meeting was to gather key agencies and discuss issues and possible management solutions to address ongoing impacts to the lower Kasilof River. The notes of the meeting were made available on DNR’s Kasilof Website and the public was encouraged to comment. A total of 11 comments were received. As a result of the meeting, the option of a Special Use Area designation was discussed and recommended. A formal request was forwarded to the SCRO Regional Land Manager on behalf of the Kasilof Historical Society which included 16 co-signers ranging from the Kenai Peninsula Borough to</p>

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	<p>SCRO received a petition asking to suspend the draft for comprehensive studies and public scoping meetings.</p>	<p>local cities and interest groups.</p> <p>In spring and summer 2010, SCRO conducted in depth research pertaining to land status, resources, and uses within the area. This included field inspections, interagency discussions, and consultations with local users and landowners. The KARSUA draft was developed from documented sources, agency information, and published information. Research included: an analysis of the land uses and ownership; electronic and GIS information, hard copy information including case files in the area; planning documents such as the Kenai Area Plan; satellite imagery and aerial photos; wetland and shore zone mappers; habitat data; and fisheries data. The need for active management to protect the areas natural resources and the public's continued enjoyment of these resources is evident and well established.</p> <p>A total of 163 comments were received during the 70 day public notice period pertaining to the draft KARSUA decision. SCRO staff read and considered each of these comments and has taken time to formally respond within this Issue Response Summary.</p> <p>SCRO disagrees that there is a lack of evidence to support the proposed actions and that additional studies in the area need to be conducted before a final decision is rendered to designate the lower Kasilof River as a Special Use Area. More than reasonable time (70 days) was given during the public comment period, which included a comment period extension and additional public meetings. The SCRO has taken considerable time and effort to research this area to develop a reasonable management approach to address the impacts to this area. That being said, SCRO does value meaningful public input and participation and this final decision would not be the same without it.</p> <p>As manager and administrator of the KARSUA, SCRO is the responsible land management agency to review and evaluate comments based upon their individual merits, as opposed to scoring or weighting comments based upon the number of individuals (such as the petition) that submitted the same or similar comment or giving preference to specific groups.</p>

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		<p>The KARSUA administrative process outlined above, far exceeds the statutory and regulatory requirements for this type of action and was designed to serve the public interest and need. SCRO disagrees that this process was narrowly defined to three actions and alternatives to promote the largest SUA possible. It is abundantly clear that effective and adequate management is needed in the area, and SCRO believes that the KARSUA is the most viable option. However, no staff within the SCRO or in the Department is assigned directly to this project. The creation of regulations alone to protect the habitat is not enough. That is why SCRO maintains that designation of an SUA combined with limited statutory enforcement authority and appropriate funding is integral to protecting the resources and sustainable use of this area for generations to come.</p> <p><b>Revision:</b> None</p>

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<p><b>KARSUA Boundary</b></p>	<p><b>Size of the SUA:</b> Some members of the public voiced the following concerns:</p> <ul style="list-style-type: none"> <li>• The SUA is a 2,600 acre park-like SUA, and is founded upon no supporting evidence.</li> <li>• The SUA is too big, and the original request was for a much smaller area.</li> <li>• The real problem only encompasses 200 acres.</li> </ul>	<p><b>Response:</b> Upon designation as a Special Use Area, state lands within the KARSUA boundary will continued to be managed under Alaska Statute Title 38 as multiple use lands per AS 38.05.285. The proposed establishment of user fees and or facilities (as discussed in those sections) does not constitute a park-like SUA. Most areas managed by the DPOR are managed very specifically for their recreational values and are generally removed from the public domain. The SCRO disagrees that the KARSUA is a park-like SUA. The KARSUA will be managed by SCRO under multiple use principles and remain as public domain lands.</p> <p>When discussing the lands encompassed within the proposed KARSUA boundary it is important to note that the recreational values and the impacts associated with the personal use fisheries are not the only attributes for the establishment of this area. The lower Kasilof River and the adjacent uplands do contain special biological and habitat values that also need active management and protection. The fact that these parcels of uplands and tidelands were also acknowledged as requiring additional levels of protection is also documented in the Kenai Area Plan.</p> <p>When researching the establishment of this SUA, SCRO took a holistic approach to the issues and values in this area and considered a variety of other factors such as land ownership, public access, and existing land use patterns. The proposed boundary of the KARSUA identified areas of state land in the lower river that contained special habitat, biological, recreational, and use patterns that require additional protections and requirements. The lower river system is also heavily used for commercial activity which is directly managed by SCRO through the issuance of authorizations such as permits and leases.</p> <p>The size and acreage of the KARSUA was based upon analysis of all these factors, and as outlined in the Administrative Process Section, was based upon sound research and information. The boundary encompasses the “real problem” area of 200 acres but also includes other areas of state land in the lower river that also deserve protection.</p>

Description	Issues/Comments	Response/Revision
	<p><b>Private Property Owners Concerns:</b> Some members of the public voiced the following concerns about the KARSUA:</p> <ul style="list-style-type: none"> <li>• The SUA will impose restrictions of the rights and uses of the adjacent and local land owners</li> <li>• It will affect access to the beach during non-fishing times for construction and access to private land</li> <li>• The shoreline will be implemented into the SUA</li> <li>• The acquisition of 3,000 acres</li> <li>• It will hinder the opportunity to harvest fish and game</li> <li>• How will the SUA affect us year round?</li> </ul>	<p>The boundary proposed for the KARSUA was drawn to include all public land and water in the vicinity of the lower river. Originally some parcels of private land were included within the boundaries, but they have since been removed, with one exception. That exception is the Trillium property at the mouth of the river on the north side. The owner of the Trillium property agreed to leave the parcel inside the boundary because this property is currently being offered for sale and there is at least some potential for this land to be acquired for public purposes. By including the parcel within the boundary it would automatically be included with the KARSUA should it be acquired by the state. If it is not acquired by the state, and remains a private parcel, KARSUA rules and regulations will not apply towards it. A 60-foot public right of access way traverses the parcel.</p> <p>The original SUA boundary did extend upriver to include two parcels of state land identified as Kasilof Lower (KL) and Kasilof Upper (KU). These parcels are primarily wet and likely not economically viable as development sites for recreation opportunities. Some commenter's felt it was improper to include these parcels in the KARSUA because there was little to no public use on them at this time. For these reasons, these two parcels are withdrawn from the final KARSUA boundary. If these parcels become impacted due to unforeseen circumstances in the future, SCRO may eventually decide to include them within the SUA boundary.</p> <p>The final boundary of the SUA will continue to include all state waters from the river mouth upstream approximately three river miles, identified as the Kasilof Tidelands (KT). This is necessary to create a viable management unit within which intensive commercial and recreational use occurs. Attention needs to be focused upon these activities as they result from the attraction of the various fisheries on the river and present some of the most difficult management challenges within the area. Approximately 6 commercial docks and 123 commercial mooring buoys do exist within the boundary which underlines the need to manage these activities.</p> <p>The entire two miles of beach area affected by personal use fishery activities is also appropriate to be included within the SUA boundary because this is also where intensive use occurs and active management</p>

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	<p><b>Requests to Exclude Private Property from the KARSUA Boundary:</b> SCRO received many requests from private land owners (including the University of Alaska) to exclude their lands from the KARSUA boundary</p>	<p>efforts must be focused. <u>The seaward line in the proposed decision was designed to accommodate future needs, but seemed a bit extreme to some commenter's. SCRO has reconsidered this boundary and decided to pull this boundary line back to approximately ¼ mile offshore, from marker to marker.</u></p> <p>In summary, SCRO has reviewed boundary comments and information and readjusted the final boundary of the KARSUA.</p> <p><b>Revision:</b> Reduce the boundary to ¼ mile out from mean low water within KT and remove upland parcels identified at KL and KU.</p> <p><i>The establishment of the KARSUA cannot and will not impose and or enforce any new or existing requirements, regulations or laws on lands that are not state owned or managed.</i> This includes all private and non-state lands within, adjacent or nearby of the KARSUA. Any additional protections or special requirements in relation to the KARSUA will only affect state lands within the boundary. It should be clearly stated that the DMLW owns the state uplands, the lower Kasilof River, and the adjacent tidelands up to mean high water line. This area is currently directly managed by the SCRO, with or without the establishment of the subject SUA. This KARSUA is not the acquisition of 3,000 acres, as SCRO already has direct management responsibility for these state lands. As stated above, the establishment of the KARSUA and its acreage is based solely upon the uses, resources, and ownership patterns. The non-state lands that were included in the boundary were included for the purpose of possible future land acquisitions or management agreements that could be implemented with entities such as the KPB or MHT. Many private individual land owners also expressed concerns that their land was in the boundary and therefore affected. See response below.</p> <p>The adjacent land owners may continue to use these public lands as before consistent with the protections and special requirements established under the KARSUA. These requirements are not intended to affect or restrict public access to the beach for residents or any other person. If a user fee is established, it will be for direct users of the personal use fishery to cover the costs associated with support services. No one will be charged to use or access the beach year round (except if</p>

Description	Issues/Comments	Response/Revision
		<p>participating in the personal use fishery). Any user fee for the fishery will be strictly seasonal. The establishment of the SUA does not hinder the opportunity to harvest fish and game, as the SUA does not regulate this activity (that is a function of the ADF&amp;G). The harvest of fish and game is a generally allowed use and not restricted within the KARSUA.</p> <p>Based upon the concerns and requests from many private land holders within the KARSUA, SCRO agrees that these private lands should be excluded from the KARSUA boundary.</p> <p><b>Revision:</b> All private lands with the exception of U.S. Survey 83 are excluded from the final KARSUA boundary.</p>

Description	Issues/Comments	Response/Revision
<p><b>Facility Recommendations</b></p>	<p><i>Approval of Recommended Facilities</i> Some comments expressed concerns that designation of this area as a special use area and recommended facilities may have unintended consequences to the area since there have not been any formal impact studies.</p>	<p><b>Response:</b> In response to the increased impacts from intense public use during the personal use fisheries, the SCRO proposed several improvements within Appendix B of the KARSUA decision. Recommended facilities included: informative kiosks, permanent vaulted toilets, seasonal toilets and dumpsters, upgrades to Fisherman’s Road, parking and staging areas along Cohoe and Kasilof Beach Roads, and designated access trails.</p> <p>It is likely that any physical improvements, e.g., parking areas, vaulted toilets, hardened access routes, will have to be requested in the department’s Capital Improvement Project budget request, and approved by the Alaska State Legislature. If projects are approved by the legislature, that body may or may not elect to include operating and maintenance (O&amp;M) funds in the department’s operating budget. If they do not, then a system of user generated fees may be imposed to provide revenues necessary to operate and maintain the added improvements. (see User Fees Table)</p> <p>A system of physical improvements within the KARSUA will unfold over time. Since these developments will likely occur through the existing budget process on an annual basis, the department and the public will find out how the legislature intends to handle O&amp;M funding as these requests work their way through the process. In the mean time SCRO will not be implementing a user fee system for the upcoming fishery season, but may recognize the need to do so in the future.</p> <p>These recommendations are not guaranteed or automatic with the adoption of a special use area. Rather, the proposed facilities are dependent upon available funding. Any recommended type and character of facility will be consistent with the departments’ management and intent for the area and will allow the DNR manager discretion in deciding the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.</p> <p><b>Revision:</b> The Facility and Improvement Recommendations section will be updated to clarify that facilities are not guaranteed and are subject to available funding. SCRO will use discretion in deciding</p>

Description	Issues/Comments	Response/Revision
	<p data-bbox="472 386 764 410"><b><i>Access and Parking Areas</i></b></p> <p data-bbox="472 415 1041 440">Several comments recommend the following actions:</p> <ul data-bbox="522 448 1140 695" style="list-style-type: none"> <li data-bbox="522 448 1014 472">• Maintain and preserve access for all users</li> <li data-bbox="522 480 1140 537">• Upgrade existing access roads and provide additional sanitation services including vaulted toilets</li> <li data-bbox="522 545 1094 602">• Establish parking areas to accommodate day use, long term, and recreational vehicle parking areas</li> <li data-bbox="522 610 926 634">• Institute parking passes with fees</li> <li data-bbox="522 643 1115 695">• Work with Mental Health to open up their land for additional parking areas</li> </ul> <p data-bbox="472 1036 758 1060"><b><i>Campground Alternatives</i></b></p> <p data-bbox="472 1065 1115 1122">Comments suggesting additional campground opportunities including adequate sanitation services include:</p> <ul data-bbox="522 1130 1140 1312" style="list-style-type: none"> <li data-bbox="522 1130 1115 1187">• Acquire Mental Health Trust land thru another land swap with DNR</li> <li data-bbox="522 1195 1094 1252">• Develop or authorize the development of existing state land</li> <li data-bbox="522 1260 1140 1312">• Encourage the Kenai Peninsula Borough to develop a campground on borough property</li> </ul>	<p data-bbox="1165 237 1860 293">the specific means for best achieving the management and intent based upon particular circumstances and further site analysis.</p> <p data-bbox="1165 386 1902 841"><b>Response:</b> The SCRO recognizes the importance of maintaining existing public access into this area and improving parking areas to accommodate all types of users. An important aspect of this special use area is to continue to manage this area under the principles of multiple use, so all users can access and enjoy the areas resources. By providing adequate support services including designated access routes and parking areas, along with basic sanitation services, this area will continue to be available for all users without sacrificing the surrounding resources. Management options do include providing day use, long term, and recreational vehicle parking areas and upgrading existing routes so they not only accommodate the users but emergency and sanitation services during peak use periods. Without access and parking upgrades, traffic congestion and overcrowding will continue and the general public will lose access and recreational opportunities.</p> <p data-bbox="1165 873 1902 992"><b>Revision:</b> Modify the Facilities and Improvement Recommendation section to include additional parking options including day use, long term, and recreational vehicle areas within the Kasilof North and Kasilof South Units.</p> <p data-bbox="1165 1024 1902 1203"><b>Response:</b> Although the development of a campground was not a proposed facility recommendation in the draft decision, it does have merit. This type of development is dependent upon available funding sources for construction, operation, and maintenance. Site selection, level of development, and management responsibility are critical components to be considered and addressed.</p> <p data-bbox="1165 1235 1902 1414"><b>Revision:</b> The Facilities and Improvement Recommendation section will be updated to outline options for developing a campground. These options include: 1) discuss a land swap with the Mental Health Trust for the parcels located near the end of Cohoe Beach Road; 2) solicit interest for the development of a campground on state land within the Kasilof North and Kasilof Bluff units; or 3)</p>

Description	Issues/Comments	Response/Revision
	<p><b><i>Dune Fencing Projects &amp; Access</i></b>  Comments support efforts to protect the dunes and surrounding wetland habitat thru the establishment of dune fencing and designated access trails.</p>	<p>discuss the potential use of borough lands located on the east side of Cohoe Beach Road or the large parcel of borough property bisected by Fisherman’s Road.</p> <p><b>Response:</b> DNR approved the Kasilof Historic Society’s dune fencing project in the fall of 2010 under land use permit LAS# 27627. The purpose of this project is to protect habitat and limit motorized uses except on designated trails within the Kasilof South Unit.</p> <p><b>Revision:</b> The Facility and Improvement Recommendation section and the KARSUA Units section within the final decision will include language about the DNR approved dune fencing project approved within the KS Unit and opportunities for additional dune fencing projects within the KN Unit. It is also anticipated that restoration projects will follow once dune fencing is established and areas are managed to limited motorized impacts.</p>

Description	Issues/Comments	Response/Revision
<p><b>User Fees</b></p>	<p>The following comments were received in response to the implementation of a User Pay Fee System to cover management costs associated with providing services to support the Personal Use Fisheries:</p> <ul style="list-style-type: none"> <li>• The public should not have to pay a fee to access the beach, take a walk, or otherwise use public land</li> <li>• The state should be responsible for providing support services to the public since the state created these fisheries</li> <li>• Implementing a user fee will make it uneconomical for my family to participate in this fishery</li> <li>• Charging a fee is reasonable if there is a service or benefit provided</li> <li>• Paying a one time fee associated with the Personal Harvest Card is preferable</li> <li>• Fees for parking and camping would generate enough money to pay for seasonal support services</li> </ul>	<p><b>Response:</b> Perhaps one of the most controversial components of the KARSUA is the implementation of the User Pay Fee System (UPFS). This is understandable since the public has enjoyed this area without having to pay for anything but a fishing license since the inception of these fisheries. With increases in resident participation levels and a lack of any basic sanitation services to support the public, waste issues and impacts to public and private lands have risen to a point that management action is necessary. The SCRO proposed several typical kinds of improvements which could be undertaken to benefit the area and users. In general terms, any physical improvements actually accomplished, e.g., parking areas, vaulted toilets, hardened access routes, will have to be requested in the department’s Capital Improvement Project budget request, and approved by the Alaska State Legislature. If projects are approved by the legislature, that body may or may not elect to include operating and maintenance (O&amp;M) funds in the department’s operating budget. If they do not, then a system of user generated fees may be imposed to provide revenues necessary to operate and maintain the added improvements.</p> <p>A system of physical improvements within the KARSUA will unfold over time. Since these developments will likely occur through the existing budget process on an annual basis, the department and the public will find out how the legislature intends to handle O&amp;M funding as these requests work their way through the process. In the mean time SCRO will not be implementing a user fee system for the upcoming fishery season, but may recognize the need to do so in the future. It is important to clarify that if implemented, the fee system would only be effective from June 1 thru August 15 each year and only those residents participating in the fisheries would be subject to the fee.</p> <p>Contrary to misconception, the SCRO is not proposing to put up gates and charge fees to the public or local residents for the use of the beach, to walk their dogs, or to otherwise enjoy the public resources. Instead, implementation of a User Pay Fee System is directed toward personal use fishery users to pay for management costs associated with providing sanitation services during the eight week personal use fisheries. This fee would be collected seasonally during the fisheries, not on a year round basis.</p>

Description	Issues/Comments	Response/Revision
		<p><b>Revision:</b> Clarify in the Protections and Special Requirements section that the implementation of a seasonal User Pay Fee System may be implemented on a seasonal basis each June 1 thru August 15. The Facilities and Improvement Recommendations section will be updated.</p>

Description	Issue	Response/Revision
<p><b>Enforcement Authority</b></p>	<p><b>Enforcement Authority</b>  Commenter's expressed the following:</p> <ul style="list-style-type: none"> <li>• This is a reasonable step in asserting a normal level of control to develop enforceable rules</li> <li>• Need more enforcement in area particularly during the personal use fisheries</li> <li>• Staff should be peace officers and have enforcement presence, with Trooper backup</li> <li>• Enforce penalties for activities such as littering</li> <li>• Need more field presence</li> <li>• The area is ruined due to no enforcement and rules</li> <li>• Violators will be ticketed to produce revenue for DNR</li> <li>• Support a budget for enforcement</li> <li>• Need citation authority and report violators</li> <li>• Lack of enforcement is the real issue</li> <li>• Enforce the existing rules, do not create new ones</li> <li>• Need more ADF&amp;G fisheries enforcement especially during the personal use fishery</li> <li>• ADF&amp;G employees could enforce the rules, then no need for DNR employees</li> <li>• Locals try to educate folks, but enforcement is needed</li> <li>• No one is ever there to enforce or monitor anything</li> </ul>	<p><b>Response:</b> Since the beginning of this SUA process, the public has become much more aware of DMLW's limited ability to enforce regulations such as the Generally Allowed Uses (GAU). Many people are more familiar with fishery related regulations and the fact that a citation can be written for those found in violation of those regulations. However, not many people understood the situation that DMLW does not currently have the statutory authority to enforce the GAU or other regulations on general state land or specifically within the Kasilof River area.</p> <p>Throughout the public review and comment process it was necessary to break down the DMLW enforcement related issues, and contrast that with ADFG in order to clarify the differences and the relative impacts of those differences to each of our management goals.</p> <p>With very few exceptions the public strongly supported the notion that enforcement authority is a critical component that is well overdue and needed in the area and how it complements the KARSUA decision. However, written and verbal comments presented to DNR reveal a bit of confusion over exactly what the concept of enforcement authority means, i.e., who needs it; what exactly is it; where would it be applied; and during what period of time would it be in effect?</p> <p>Within DNR, it is the DMLW that manages general state land, and the South Central Regional Land Office (SCRO) that specifically manages state lands at or near the vicinity of the Kasilof River. It is the DMLW, through its SCRO, that needs specific authority to enforce any regulations enacted within the SUA. Formal enforcement authority would allow for the creation of consequences, i.e., citations and bailable fines, for those who choose to violate the adopted regulations.</p> <p>Citation authority begins with the state legislature. The legislature may grant enforcement (citation) authority to the commissioner of DNR who may, when he is satisfied that accepted criteria for training and field experience has been met, commission selected members of his staff to enforce (write citations) toward enforceable regulations in accordance with applicable law. However, before this can happen, DNR needs to draft and adopt specific regulations according to the Administrative Procedures Act. Once adopted, a reasonable fine amount must be</p>

Description	Issue	Response/Revision
	<p><b>Enforcement Authority, Con't.</b></p>	<p>determined, and presented to the Alaska Supreme Court. The court will (hopefully) adopt the fines by creating a bail schedule. In this manner, citations written by DNR employees within the KARSUA will be treated like traffic tickets. A person may simply pay the fine and be done with it, or they can challenge the citation, and a court hearing will be scheduled.</p> <p>If granted by the legislature, DNR's application of enforcement authority will be within the KARSUA boundaries, or as otherwise directed. An example of how this would be used can be found in the dunes area. To protect the integrity of the Kasilof Dunes the KARSUA creates a rule that restricts motorized access to designated trails (and the beach) within the SUA. Our intent is to create an enforceable regulation that carries a fine for anyone found to be travelling on the dunes and NOT on a designated trail. Adequate signage will be posted to alert area users of the need to stay on designated trails, and the consequences for not doing so.</p> <p>Some regulations require year around applicability, such as the dunes related one described above. Others, such as restrictions on target shooting, may only be applicable during a specified period of time during the summer. We have total flexibility in determining when certain regulations will apply. Since we have not yet drafted the set of regulations that will apply within the SUA it is not possible to list them out and identify their applicability dates. We will however do so when the regulations are drafted.</p> <p>Personal use fisheries for both dip netting and set gillnetting within the KARSUA provide the primary reason for the land use issues being addressed. By now it is hoped people can see the bright line dividing the Department of Fish and Game and Department of Natural Resources relative to mission and authority. DNR is addressing the land management issues and fish and game (and Board of Fish) is responsible for the fisheries management issues.</p> <p>However, based upon comments and input we have received, that bright line becomes less bright when considering enforcement authority. Clearly the public is interested in seeing more enforcement of fisheries related regulations that are already in place. At the present time, many</p>

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	<p><b>Enforcement Authority, Con't.</b></p>	<p>fish and game employees, and the Alaska State Troopers, have the authority to enforce by written citation regulations that apply to the personal use fishery. However, the public perception is that enforcement of certain regulations, such as harvestable numbers of fish associated with each permit, is not happening on a regular basis.</p> <p>This fisheries enforcement situation may or may not change as troopers are unable to perform regular enforcement duties due to the volume of work they must deal with, and the relatively low priority of fishery violations when compared to the kind of work they are routinely involved with. Fish and game employees that are commissioned to enforce these regulations are given that capability in addition to their regular jobs. Therefore they are equally unlikely to be on the beach performing enforcement duties because of the priorities of their primary jobs.</p> <p>Starting this summer (2011) there will be increased DNR field presence in the area. DNR staff will be in the field to monitor activities upland and fisheries activities and importantly educate folks of the importance of taking care of the area and the KARSUA process.</p> <p><b>Revision:</b> The Implementation section of the decision addresses: Enforcement, Education, and Public Awareness in more detail.</p>

Description	Issues/Comments	Response/Revision
<p><b>Personal Use (PU) Fisheries</b></p>	<p><b>Support the existing PU fisheries:</b> Comments expressed dependence upon the fisheries and opposition to any cancellation of the fisheries due to the hardship it would pose to residents.</p> <p><b>The PU fishery is the main problem and should be modified:</b> Some commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> <li>• The BOF created this fisheries without any foresight or plan for associated and needed services</li> <li>• Destruction of habitat from increased growth of sport fisheries</li> </ul>	<p><b>Response:</b> SCRO acknowledges that the Kasilof River personal use fisheries provide many social and economic benefits for Alaskans every summer. The development of the KARSUA is designed to protect these existing recreational uses yet create some basic protections and special requirements to minimize impacts to the area. The modification of fisheries is not a function of DNR. Rather, fishery modifications are under the purview of the ADF&amp;G Board of Fisheries (BOF).</p> <p><b>Revision:</b> No change</p> <p><b>Response:</b> The creation of the Kasilof River personal use fisheries was adopted by the BOF in the early 1980's, and since that time there has been many proposals to either modify or limit this fishery. SCRO cannot comment on whether the BOF decisions throughout this time considered the impacts of this growing fishery. At this point it is important to note that the mission of the ADF&amp;G and the BOF is somewhat different than that of SCRO and DNR.</p> <p>The BOF's responsibility is to conserve and develop the fishery resources of the state. This involves setting seasons, bag limits, methods and means for the state's subsistence, commercial, sport, guided sport, and personal use fisheries, and it also involves setting policy and direction for the management of the state's fishery resources. The board is charged with making allocative decisions, and ADF&amp;G is responsible for management based on those decisions.</p> <p>The Division of Mining, Land and Water manages all state-owned land except for trust property and units of the Alaska State Park System. The mission of this Division is to provide for the use and protection of Alaska's state owned land and water. We aim toward maximum use of our lands and waters consistent with the public interest.</p> <p>In simple terms, SCRO did not create this fishery but must respond to the growing participation levels and surrounding resource impacts through active management of the area. This management response (KARSUA) is aimed at protecting important habitat while preserving the public's existing and future use of this area.</p> <p><b>Revision:</b> No change</p>

Description	Issues/Comments	Response/Revision
	<p><b>Support boundary changes to the PU fisheries:</b> Some commenter's expressed the following concerns:</p> <ul style="list-style-type: none"> <li>• Open up more area of the beaches. Don't cramp people into a tight area</li> <li>• Open the area all the way along the beach (to the commercial boundary) for dip netting</li> <li>• Stop the dip net fishery at the mouth</li> <li>• Allow the personal set net fishery to occur away from the mouth</li> <li>• Open more area for a longer time</li> <li>• DNR should work with ADF&amp;G to change the boundary</li> </ul>	<p><b>Response:</b> As stated above, SCRO does not have authority to open beaches, change the allocation of fisheries stock, or modify the fisheries boundaries. At the recent BOF Upper Cook Inlet Finfish meetings in February and March 2011, many proposals were submitted that could have modified the personal use harvest limits, allowable harvest times, or boundaries. No changes were adopted by the BOF to modify the current regulations.</p> <p><b>Revision:</b> No change</p>