

Supplemental Wetlands Mitigation Ordinance: Additional Background - FWC

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Presentation Overview

- Highlights of the IM
- What each SWMO section does
- What the SWMO does NOT do
- Recent changes in the SWMO
- SWMO Permitting Flow Chart

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Highlights of the IM...

- Summary Statement
- Process
- Sets a development standard
- Congruence with adopted plans
- Benefits of wetlands

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**Disclaimer: The Informational Memorandum is still in draft form and will receive revisions.



MSB 17.31 Sections Summarized

17.31.020 APPLICABILITY

- Applies to all MSB lands, except for the cities of Palmer, Wasilla, Houston.
- Applies to projects that:
 - Require an USACE Individual Permit, and:
 - Impacts 10+ acres of WOTUS wetlands.
 - That have not received final USACE decisions as of 5/18/2021

17.31.030 APPLICATION REQUIREMENTS

- Specifies required paperwork
- MSB 17.31 mostly utilizes the paperwork developer already submits to USACE

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17.31.040 GENERAL STANDARDS FOR APPROVAL.

- Requires applicant to show they have fully offset wetland development impacts to receive approval.
- Developer must choose one of three USACE mitigation strategies and show offset occurs in MSB.

17.31.100 VIOLATIONS, ENFORCEMENT AND PENALTIES & 17.31.110 DEFINITIONS



SWMO Permitting Flow Chart

Developer applies for
Individual Wetland Permit
with USACE

- MSB informs developer
about MSB 17.31

If project impacts 10+ acres
of wetlands then MSB permit
required

- Developer submits MSB
application; provides all
USACE documents.

Developer must show full
mitigation offset within MSB of
project impacts.

- MSB checks
documentation; issues
permit per MSB 17.31

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What the SWMO does/doesn't do?

- *Intent* is to preserve wetland functions for MSB citizens while allowing robust development in the MSB.
- SWMO only applies only to LARGER developments that already need a USACE individual permit (10+ acres)
- Uses the USACE paperwork that must already be filled out; along with USACE decision documents.
-
- ...
- **Does not duplicate** USACE process, **instead sets a local standard for development** adding predictable certainty for developer.
- **Does not involve itself in the USACE mitigation options**; merely requires that developer use a USACE-approved mitigation option within the MSB and to **fully offset the wetland impacts of project**.

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Recent Changes in draft SWMO

- Ordinance title modified to specify what "large-scale" means specifically (10+ acres).
- Deleted references to "jurisdictional waters" and replaced this with "waters of the United States" (WOTUS); removed the former from definitions.
- Changes in "Applicability", 17.31.020:
 - (C)(1)(b): deleted "5", replaced with "10".
 - (C)(2): deleted "initiated with", replaced by "issued a permit decision document by".
 - (C)(2): Fixed misspelled acronym "CCMC" to the correct "CMCC".



Thank you

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Additional Resource Slides



USACE Individual Wetland Permit Analysis: MSB Projects, 2015-2019

# Wetland Projects	Wetland Acres Impacted	# Projects Mitigation Required	# Wetland Acres Mitigated	% Wetland Acres Mitigated
9	215.22 A	5 out of 9 = 55% projects	18.38 Acres	8.5%

If the SWMO had been in effect prior to 2015, the % wetland acres mitigated from 2015-19 would have been significantly higher. >>>>>

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If SWMO was in effect prior to 2015:
% Wetland Acres Mitigated 2015-19

99.1 %

Anticipated Concerns

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Concern 1: *The SWMO will duplicate and add burdensome regulations.*

- **Response:** The SWMO simply requires LARGER developments that already need a USACE individual development permit to provide evidence that they have fully mitigated the wetland impacts detailed in the USACE paperwork; it simply sets a development permit standard.

➤ Concern 2: *Planning staff don't have the time or expertise to implement the SWMO.*

- **Response:** Over the last five years USACE have issued an average of only two individual wetland development permits per year; under the rewritten SWMO there is only one project that would fall under SWMO requirements.

➤ Concern 3: *The MSB can accomplish the same result by commenting on local USACE wetland development permits.*

- **Response:** Analyzing the recent permits does not show any influence of public comments on USACE decisions. The impact of comments on Federal deliberations are varied, and provide no certainty of success.



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SWMO -Next steps...

1. Planning Dept. will continue to solicit public comments through May 1.
2. Refer to the MSB Fish and Wildlife Commission:
 - For action March 18, 2021.
3. Refer to the Planning Commission:
 - For action April 19, 2021
4. Refer to the Assembly:
 - For action May 18, 2021

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Prepare for action

1. Research the issue:

1. 2012 [MSB Wetland](#) Management Plan/Fact Sheets
2. 2019 MSB [Assembly Wetland Workshop](#)
3. Peruse the [SWMO Project Web Page](#)
 - a. Read the SWMO
 - b. Review the SHP Wetland Science Summary.



Wetland Mitigation Public Comment from SWMO Project Web page as of 3/17/2021

NOTE: Public comment period online started in early July 2020 and extends through May 1, 2021. These specific comments below were submitted in 2020.

First Name	Last Name	Community	Email	Phone	Confusing Portions?	Additional Questions?	How can we improve SWMO?
Michelle	Breinholt	Willow	Shelly.breinholt@gmail.com	9076710788	It is always confusing to me why anyone would allow development on wetlands. Wetlands are one of the fastest disappearing ecosystems and should be protected at all costs.	I would like to know exactly who is going to monitor the development and make 100% sure that full mitigation will occur. I know of instances in the lower 48 where the process was not followed and mitigation became a joke.	While I applaud the borough's seemingly good intentions to require full "compensation" for wetlands that are affected, I simply have no faith that true mitigation will occur and if it does that it will be enough to keep our wetlands healthy. A natural wetland is an ecosystem of great intricacy. It has evolved to meet the needs of its living components and by way of flood control and water filtration, ours as well. While I have seen a wetland area restored to a degree by humans, I was never really sure if it was as complete and functioning as nature had intended. I

							don't think anyone can know that for sure. Why not just reign in the greed and leave the wetlands alone. Take the development elsewhere.
First Name	Last Name	Community	Email	Phone	Confusing Portions?	Additional Questions?	How can we improve SWMO?
Fred	Wagner	Meadow Lakes	akfred@mtaonline.net	9073548501	No	It seems to me that this project is subverting the USACE process by adding additional restrictions beyond those deemed necessary by the body that governs wetlands - USACE. I believe you're making an incorrect assumption when you say that a project impacts X number of acres and the USACE is only making them mitigate X%. It is my understanding that the USACE considers the percentage of the	

						total wetlands that are being affected and makes the applicant offset this by mitigating an equal amount. This looks to actually be an attempt to further discourage responsible, permitted, projects from advancing by forcing projects to give additional considerations outside of those deemed necessary by the agency in charge of making such determinations.	
First Name	Last Name	Community	Email	Phone	Confusing Portions?	Additional Questions?	How can we improve SWMO?
Gwen	Bachman	Farm Loop	gcbachman@gmail.com	4024053909	No, I felt it was all very clear.	I dug around a bit and didn't find any specific criteria for when a USACE permit was needed so I don't have a clear understanding of	Preserving our wetlands is important. MatSu may not have the biggest fisheries in the state but they are used by locals who may not have the time and resources to

						<p>when the WMO would apply. I understand 'large', but the definition wasn't easy to find, and I am still not clear on the conditions that specify when a wetland is affected. Is runoff from a paved lot nearby enough for USACE and the WMO to apply or does the project physically have to be in contact with the wetland? My runoff concern is that the project can be distant, but the increased pollution etc. can still be traced to the project. This effect isn't immediately going to destroy the wetland but it will alter ecosystem services and could ultimately have just as significant</p>	<p>venture to other parts. Also, until we can better understand why salmon returns are so variable and low lately, it seems wise to preserve wetland areas that could serve as future alternative habitats for young fish. Tourism is another potential beneficiary of wetlands. If MatSu could nurture a Potters Marsh equivalent it would bring in more bird and wildlife watchers. We can't do that if we don't have the wetlands. Projects like Settlers Bay trails, boardwalks on the hay flats and the very popular Reflections lake trail are a great start.</p>
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						an effect as immediately destroying an area. It would help the public if the criteria (other than just saying when a USACE is used) is spelled out in the WMO.	
First Name	Last Name	Community	Email	Phone	Confusing Portions?	Additional Questions?	How can we improve SWMO?
April	Warwick	Big Lake	awarwick@ak.net	9073387777			I grew up in Big Lake and I visit often. I'm totally opposed to opening up a road for 100 miles of wilderness. I've hiked that area over the years and I prefer to keep the wilderness wild and alive. In my view the wilderness needs more protections from hunters and people who pollute and leave their trash. Our planet is dying, lack of knowledge or belief does not change that fact. Humans and their never ending greed is killing every

							acre of land on earth and this road just furthers that behavior. I suggest you leave the wilderness alone and say no to more destruction.

Supplemental Wetland Mitigation Ordinance

Received:  Monday, March 15, 2021 10:42 PM

From: **Barbara Smith** barbarabarbarasmith@hotmail.com

To: **Kendra Zamzow** kzamzow@pm.me

Kendra, please forward to Ted Eisched.

Dear Ted Eisched,

I was recently made aware of the Supplemental Wetland Mitigation Ordinance being presented for public comment and a vote on March 18th 2021. I want to strongly voice my support in favor of the ordinance. Wetlands are not only important carbon sinks to lower green house emissions, but vital habitat for birds, insects, mammals and plant life. Grasses along wetlands edges have been used by indigenous people for generation for grasses and reeds for basket weaving. We cannot allow the destruction of vast amounts of wetland without proper, thoughtful and extensive mitigation. We are losing too much already. Alaska needs to be smarter and learn from what is and has been happening globally, to vital habitats. We are not the only ones living on this earth.

The Borough has a chance to be involved in the objective analysis and evaluation of wetland areas inside its boundaries and be a vital link in determining outcomes which will shape its future. Isn't that what planning is all about. Planning so our community can be a better place to live, work and play. Why would we not want to do that. Please vote in favor of the SWMO.

Thank-you,

Barbara Smith
PO Box 871772
Wasilla, Alaska
99687

From: [Kaarle Strailey](#)
To: [Theodore Eischeid](#)
Subject: Supplemental Wetland Mitigation Ordinance
Date: Thursday, March 18, 2021 9:14:43 AM

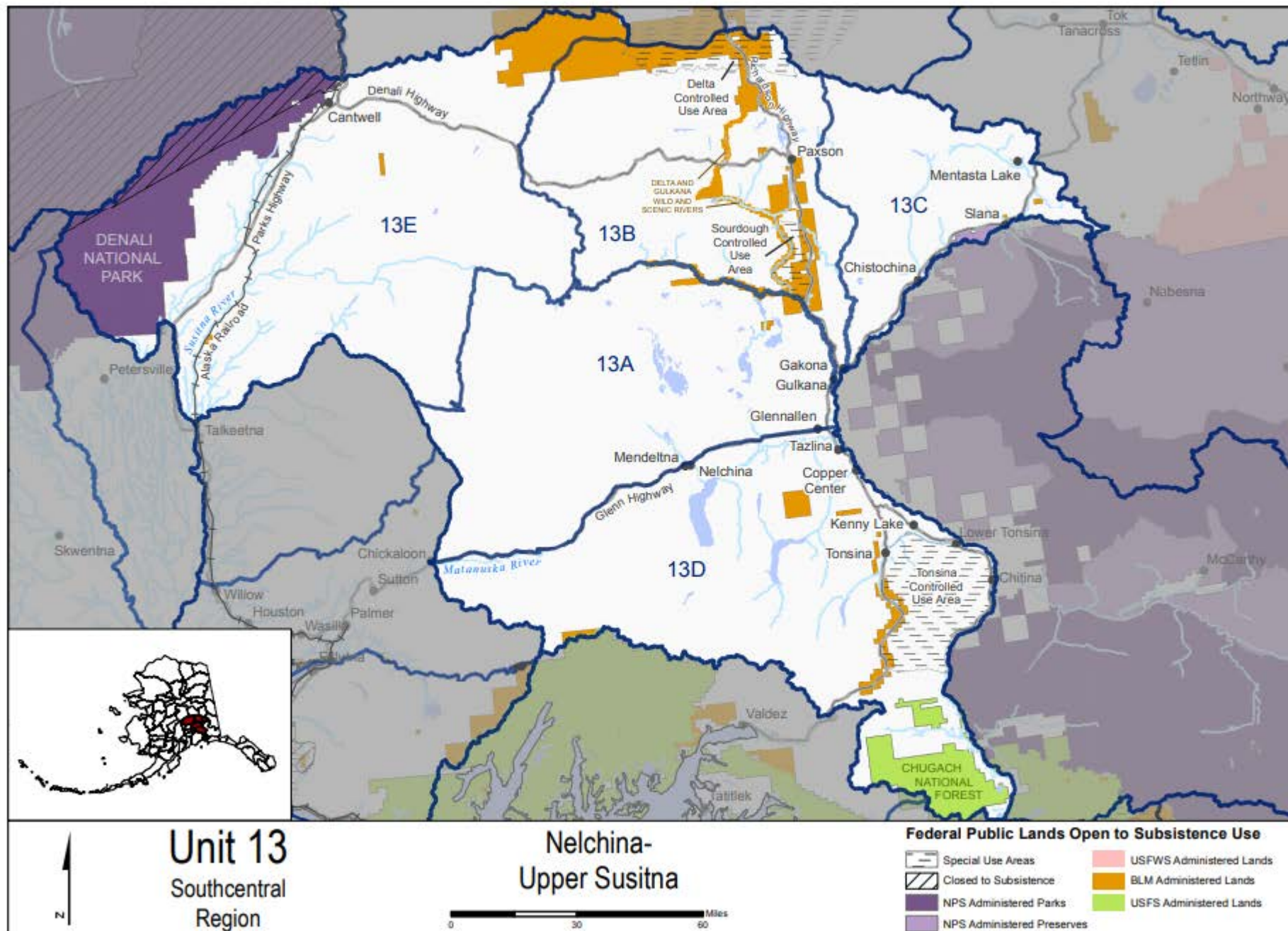
[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello Mr. Eischeid,

I am writing to express my support for the Supplemental Wetland Mitigation Ordinance ahead of the public hearing and vote to be held this afternoon as I will not be able to call in at that time. I am sure there will be many robust arguments in favor of the Ordinance so I will keep my comments brief. Our wetlands play so many critical roles to the integrity of our borough's renewable resources, and this Ordinance provides one means of empowering us to conserve them appropriately.

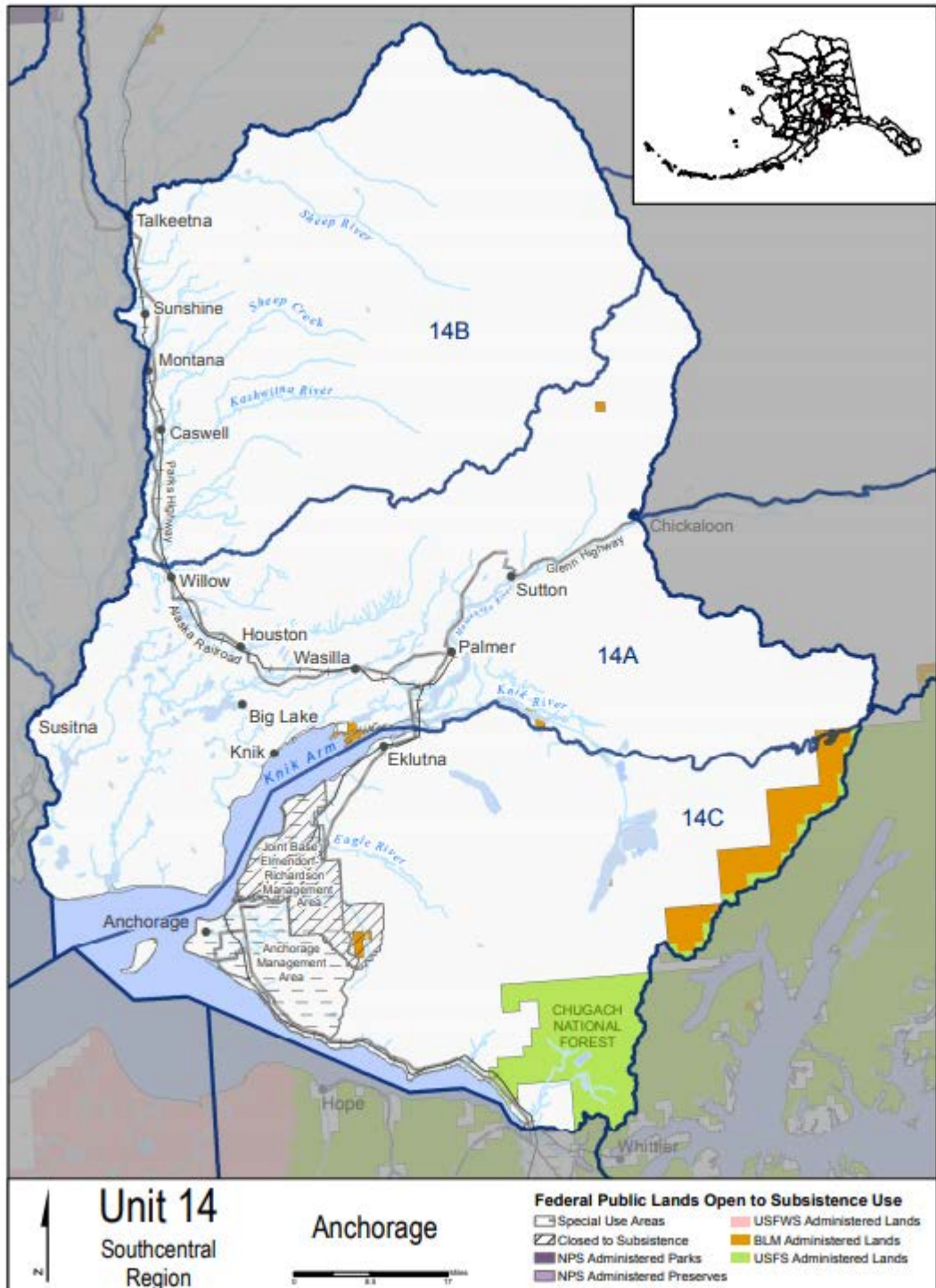
Thank you very much for considering my perspective and sharing it with the Fish and Wildlife Commission and Borough staff.

Sincerely,
Kaarle Strailey
16405 E Vera Way
Palmer, AK 99645



Anchorage

Hunting / Unit 14



Best,

-Adam

2020 Estimates					
	Fish Creek	Kasilof River	Kasilof River	Kenai River	Susitna River
	Dipnet	Gillnet	Dipnet	Dipnet	Dipnet
Sockeye	28,109	14,745	94,064	257,864	2,296
Chinook	7	70	12	23	22
Coho	1,736	1	1,318	1,023	538
Pink	1,369	62	4,752	13,622	747
Chum	337	23	807	1,540	68
All Species	31,558	14,901	100,954	274,072	3,671
Days Fished	2,865	1,410	10,249	23,574	377
	Permits Issued	Permits Returned	Percent	# Did Not Fish	
	28,955	21,458	76%	6,332	