

MATANUSKA-SUSITNA BOROUGH
MSB Fish and Wildlife Commission Agenda

Vern Halter, Mayor

Mike Wood – Chair
Howard Delo – Vice Chair
Tam Boeve
Andy Couch
Larry Engel
Tim Hale
Peter Probasco
Kendra Zamzow
Vacant – Ex officio member

Ted Eischeid - Staff



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT
Alex Strawn, Planning & Land Use Director
Kim Sollien, Planning Services Manager
Jason Ortiz, Development Services Manager
Fred Wagner, Platting Officer

Lower Level Conference Room
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer

October 21, 2021

REGULAR MEETING

4:00 p.m.

Lower Level Conference Room

Ways to participate in MSB Fish and Wildlife Commission meetings:

1. IN PERSON. Should you wish to testify in person, please adhere to the 6-foot distance between yourself and others. Current COVID-19 Guidelines are listed at the end.

2. Remote Participation:

Microsoft Teams meeting

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Click here to join the meeting

Or call in (audio only)

+1 907-290-7880,441376819# United States, Anchorage

Phone Conference ID: 441 376 819#

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I. CALL TO ORDER

II. ROLL CALL – DETERMINATION OF QUORUM/LAND ACKNOWLEDGEMENT

"We acknowledge that we are meeting on traditional lands of the Dene people, and we are grateful for their continued stewardship of the land, fish, and wildlife throughout time immemorial."

III. APPROVAL OF AGENDA

- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF MINUTES
  - A. September 23, 2021 Regular Meeting Minutes
- VI. AUDIENCE PARTICIPATION (*three minutes per person at chair's discretion*)
- VII. STAFF/AGENCY REPORTS & PRESENTATIONS
  - A. Presentation: Kim Sager, DNR: Water Reservation Reviews
  - B. Staff Report, Ted Eischeid
- VIII. UNFINISHED BUSINESS
  - A. West Susitna Access Road Project
- IX. NEW BUSINESS
  - A. ADF&G 2021 Fishing Summary Meeting Planning
  - B. BOF October 20-21 Workshop Discussion
  - C. Consider 2022 FWC Meeting Schedule
- X. MEMBER COMMENTS
- XI. NEXT MEETING DATE: Thursday, November 18, 4 PM, MSB Assembly Chambers
- XII. ADJOURNMENT

Disabled persons needing reasonable accommodation in order to participate at a MSB Fish and Wildlife Commission Meeting should contact the borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

**COVID-19 Guidelines**

- Social distance at least 6 feet.
- Use proper hand hygiene.
- Masks are optional.
- Stay home if feeling sick.

**MSB FISH AND WILDLIFE COMMISSION Regular Meeting: Sept. 23, 2021 – Minutes****MSB Lower Level Conference Room //TEAMS Remote Participation Option****Minutes prepared by Ted Eischeid, Planner II****REGULAR MEETING****I. CALL TO ORDER; ROLL CALL; ESTABLISH QUORUM**

Meeting called to order at 4:02 PM by chair Mike Wood.

**II. ROLL CALL – DETERMINATION OF QUORUM /LAND ACKNOWLEDGEMENT**

Roll Call:

**Present:**

1. Mike Wood (MW)
2. Howard Delo (HD)
3. Tam Boeve (TB)
4. Andy Couch (AC)
5. Larry Engel (LE)
6. Peter Probasco (PP)

**Absent:**

- Tim Hale
- Kendra Zamzow

Quorum (5+) established.

Land Acknowledgement: Read by MW

*"We acknowledge that we are meeting on traditional lands of the Dene people, and we are grateful for their continued stewardship of the land, fish, and wildlife throughout time immemorial."*

**III. APPROVAL OF AGENDA**

- Motion: Moved to approve by HD
- Second: PP
- Discussion: None
- Action: Passed unanimously without objection.

- IV. PLEDGE OF ALLEGIANCE – Led by HD
- V. APPROVAL OF MINUTES
- a. April 22, 2021 Special Meeting
- Motion: Moved to approve by HD
  - Second: AC
  - Discussion: None
  - Action: Passed unanimously without objection
- b. May 20, 2021 Regular Meeting
- Motion: Moved to approve by HD
  - Second: PP
  - Discussion: None
  - Action: Passed unanimously without objection
- VI. AUDIENCE INTRODUCTIONS & PARTICIPATION (3 min./person, chair’s discretion)
1. Bill Stoltze, MSB  
Becky Long, Talkeetna; Larson Lake Weir and Judd Lake – good returns.  
Brian Marston, ADFG  
Matt Miller, ADFG  
Sam Oslund, ADFG  
Aaron Poetter, ADFG  
Steve Braund, NDSNA
- VII. STAFF/AGENCY REPORTS & PRESENTATIONS
- A. ADF&G, Preliminary UCI Commercial and Sport fishing season summary
1. Brian Marston, Comm Fish:  
Presented a verbal fishing season summary for commercial fishing.
- Sam Oslund, Sport Fish (using Sam Ivey’s notes):  
Presented a verbal fishing season summary for sportl fishing.

B. Staff Report, Ted Eischeid

## VIII. UNFINISHED BUSINESS

## A. West Susitna Access Road Project

No new update.

## IX. NEW BUSINESS

## A. Summer fish and wildlife updates

- General discussion ensued

## B. Alaska Recreation Rivers Act update

- MW applied to the board and said they'd know by end of Oct.
- Bill Stoltze was called to consider applying, but was too busy.
- AC got a call, but it was during his busy time.

## C. ADFG 2021 Fishing Summary Meeting Planning

- Week of Dec. 13<sup>th</sup> being explored for this meeting.
- Consider draft questions for ADFG at the next meeting.

## D. BOF Meeting Planning

- HD: wise for FWC to sit in on the workshop (Oct. 2021);

## E. Expiring FWC Member Terms

- General discussion ensued.

## X. MEMBER COMMENTS/FUTURE AGENDA ITEMS TO CONSIDER

1. AC: Infrastructure bill at the federal level – some of this money might benefit fisheries; ADFG needs to hold Deshka, Jim Ck, and Fish Ck weirs operable the full season – funding for weirs around the state seem to be losing funding; maybe this is an area where FWC pushes for robust funding for weirs; important to examine the water reservation issue on Willow Creek and learn more about that – maybe DNR person involved can do a presentation on this to FWC;

2. PP: When we meet with ADFG I'm curious about the funding cost for these weirs, and I would like to know why ADFG is defunding them.

3. HD: I'm discovering the joys of surf fishing on the Kenai Peninsula; caught a halibut doing this; there is a licensed surf fishing guide down there; can catch a variety of fish. BOG delayed their cycle so our area is coming before them this coming January.

4. LE: I wanted to apologize with my tech issues as I’ve had a hard time hearing you.

5. TB: Fish passage issue – would be nice for public works to let FWC know about these issues; maybe Ted can ask them to do so.

6. TE: Excited about my recent purchase of a Grumman Sport Boat.

7. MW: Concerned about how we can get funding for the Commission like we have had in the past; glad we are engaged with DNR on Rec Rivers Act issues; happy to be back after a summer of fishing.

XI. NEXT REGULAR MEETING DATE: October 21, 2021, 4 PM, LLCR.

XII. ADJOURNMENT

1.Motion: HD

2.Second: PP

3.Action: Passed unanimously without objection.

- Meeting stands adjourned at 6:05 PM.

\_\_\_\_\_  
Mike Wood, Chair

\_\_\_\_\_  
Dated

ATTEST:

\_\_\_\_\_  
Ted Eischeid, Planner II Staff

\_\_\_\_\_  
Dated



## Reservation of Water



### What is a reservation of water?

A reservation of water is a water right that protects specific flow or lake level use, such as fish spawning or recreation. It sets aside the water necessary for these activities and keeps later water right holders from appropriating water that may affect the instream activity.

Water can be reserved for one of four (or more) purposes, as described in AS 46.15.145 (a) on a stream reach/point or lake level during a certain period of time. These instream flow or lake level purposes are:

- Protection of fish and wildlife habitat, migration, and propagation
- Recreation and parks
- Navigation and transportation
- Sanitation and water quality

A reservation of water for one use may also allow that same water to be used or reserved for another purpose. For example, a reservation for recreation may also benefit fish spawning.

Like an out-of-stream water right, a reservation of water is similar to a property right. It cannot be abandoned, transferred, assigned, or converted to another use without approval of the Department of Natural Resources, through the review process laid out in AS 46.15.145 (f).

### Who can apply?

Private individuals, organizations, and government agencies may apply for a reservation of water for instream use.

### Why should I apply?

You should apply if you want to ensure that a lake level or stream flow will be available when and where you and the public need it for specific instream or lake level use.

If you have a senior instream water right, you have priority use of that water over people who file later for water rights. You can have legal standing in case of conflicting uses of water by people without water rights.

You can [download an Application for a Reservation of Water Form](#) or you can get an application for reservation of water at any Department of Natural Resources, Water Resources Section office.

Your application should include information to support your reservation request. The type of information that would be appropriate will vary based on the purpose of the reservation. Below is an example of the type of information that would be appropriate (not all inclusive) for an application to reserve flows for protection of fish and wildlife habitat, migration, and propagation:

1. An explanation of the importance of a reservation for the proposed waterbody.
2. Physical information about the waterbody such as location and discharge/elevation data.
3. Biological information for the waterbody such as fish or wildlife species known to be present and life phases/periodicity.
4. A description of the methodology used to substantiate the quantity of water requested.
5. A description of the importance of the fish/wildlife resource based on subsistence, sport, or commercial uses.

Before submitting an application, you should talk with the office staff about the information needed in your application. If your application is accepted, you will have up to three years to complete the data collection and analysis needed to justify the requested instream reservation.

When your application is considered complete, it will be reviewed to determine the impact on other water right holders and the public interest. An assessment will be made to determine if water is available for the reservation and if the information in the application is accurate and adequate. Public notice of the application must be given.

After this process, a Certificate of Reservation may be issued to you. A Certificate of Reservation must be reviewed by the Department of Natural Resources every ten years, but may be reviewed in less than ten years if necessary.

## What costs are involved?

A filing fee of \$1,500 (for the first 60 hours of staff time) must accompany an application for reservation of water. Depending on different variables, additional fees can accrue if staff time goes beyond 60 hours. You will also be required to pay the cost of a legal advertisement to notify the public of the proposed reservation of water. If a certificate is issued, you may be required to install and maintain stream gages, weirs, or staff gages, and to monitor and report on the reserved instream flow or level of water. You may also be responsible for additional data collection or analysis during the certificate review.

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# Department of Natural Resources

## Division of Mining, Land and Water



## Fact Sheet: Reservation of Water

### What is a reservation of water?

A reservation of water is a water right that protects specific water uses, such as fish spawning or recreation. It sets aside the water necessary for these purposes.

Water can be reserved for one or more of the four purposes on a particular reach of a stream or lake during a certain period of time. Under AS 46.15.145, the purposes for which water may be reserved are:

- Protection of fish and wildlife habitat, migration, and propagation
- Recreation and parks
- Navigation and transportation
- Sanitation and water quality

A reservation of water for one purpose may also result in that same water being used or reserved for another purpose. For example, a reservation for recreation may also benefit fish spawning.

Like an out-of-stream water right, a reservation of water is similar to a property right. It cannot be relinquished, transferred, assigned, or converted to another use without approval of the Department of Natural Resources.

### Who can apply for a reservation of water?

Government agencies, organizations, and individuals may apply for a reservation of water.

### Why would I apply for a reservation of water?

You would apply if you want to ensure, subject to natural hydrologic variability and senior water rights, that a lake level or stream flow will be available for any of those purposes provided for by statute and the water will not be appropriated or diverted for another use.

If you have a certificate of reservation, you will have priority over junior water rights. A certificate of reservation provides legal standing.

### How can I apply for a reservation of water?

You can get an application for a reservation of water at any Water Resources Section office or visit <https://dnr.alaska.gov/mlw/cdn/pdf/forms/Application-for-Reservation-of-Water.pdf>. Your application must be submitted to the Anchorage office at the address listed at

the end of this fact sheet.

Before submitting an application, you should talk with the Anchorage office staff about the information needed in your application.

When your application is complete, it will be reviewed to determine the need for the reservation of water and its impact on other water right holders and the public interest. An assessment will be made to determine if water is available for the reservation and if the information in the application is accurate and adequate. Public notice of the application must be given.

After this process, a certificate of reservation may be issued to you. A certificate of reservation must be reviewed by the Department of Natural Resources every ten years, but may be reviewed more frequently than every ten years if necessary, and may be revoked or modified if found to be in the best interests of the state.

### What costs are involved?

A filing fee of \$1,500 (for up to 60 hours of staff time) must accompany an application for reservation of water. You will also be required to pay the cost of a legal advertisement to notify the public of the proposed reservation of water. If a certificate is issued, you may be required to install and maintain stream gages, weirs, or staff gages, and to monitor and report on the reserved instream flow or level of water. You may also be responsible for additional data collection or analysis during the certificate's review.

### What other water resources authorizations are available from the Department of Natural Resources?

- **Water Appropriation:** A permit or certificate is required for diverting, impounding, withdrawing or using a significant amount of water (as defined in 11 AAC 93.035) for beneficial use from a surface or ground water source. An application form and the fee listed in 11 AAC 05.260 should be filed with the Department of Natural Resources.
- **Dam Safety:** A certificate of approval is required for constructing or modifying a dam that impounds 50 acre-feet of water and is at least 10 feet high, or is at least 20 feet high, or poses a threat to life and property. An application form and the fee listed in

11 AAC 05.260(c) should be filed with the Department of Natural Resources.

from the following office or visit <https://dnr.alaska.gov/mlw/water/>.

**Where can I get more information?**

More information is available in the Department of Natural Resources' fact sheets on Water Rights in Alaska, Administrative Service Fee, Dam Safety in Alaska, Federal Reserved Water Rights, and Alaska Hydrologic Survey. Further information and application forms may be obtained

**Department of Natural Resources  
Water Resources Section**

Anchorage Office  
550 West 7<sup>th</sup> Avenue, Suite 1020  
Anchorage, AK 99501-3562  
Phone: (907) 269-2033  
Fax: (907) 269-8904



[ADF&G Home](#) » [Habitat](#) » [Access and Planning](#)

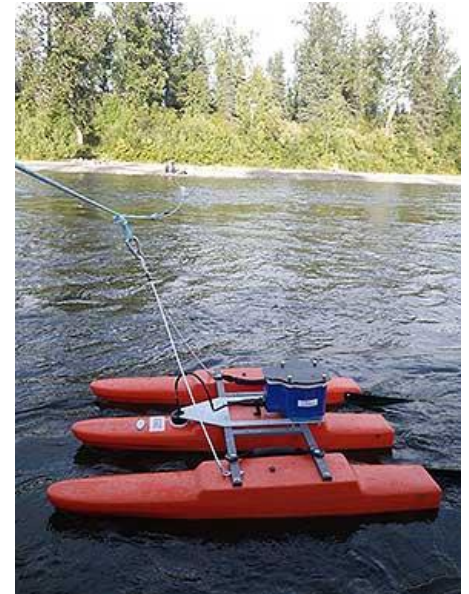
## Instream Flow Program

### Reservations of Water

[Overview](#) [Reservations of Water](#) [Hydroelectric Projects](#) [Alaska Clean Water Actions](#) [Contact](#)

#### Overview

It's no secret that fish need water to survive, which is why biology is the basis of the instream flow reservations program. The program's mission is to ensure that aquatic-dependent species have sufficient amounts of good quality water to thrive in Alaska's rivers, lakes, estuaries, and wetlands. Alaska's water law ([Alaska Statute: AS 46.15.145](#)) allows ADF&G to acquire water rights for the purpose of sustaining fish and wildlife resources. This legal protection of instream flows is called a "Reservation of Water" and, to date, ADF&G has filed reservation applications on more than 300 rivers and multiple lakes.



#### Hydrologic Investigations

To determine how much water is needed to sustain aquatic resources within a watershed, a hydrologic investigation is conducted.

The first step in a hydrological investigation is to characterize the watershed. Geographic Information Systems (GIS), the Anadromous Waters Catalog, and local knowledge are examples of information used to determine the rivers, streams, and associated tributaries to be studied. A representative location within a river reach is selected as a data collection site based on accessibility, hydrological inputs, and additional logistics.



The next step is to quantify the streamflow, which is the quantity of water that occurs within a stream channel during a given time period. Instream flow data can be collected either by establishing a continuous stream gaging station or by repeatedly visiting a site to collect stream discharge measurements. It is important to quantify stream discharge throughout the year because water levels can fluctuate significantly between seasons. Periods of varying streamflow are necessary for aquatic ecosystems to function properly. For example, fish require differing amounts of water depending on their life stage, from higher flows that promote upriver migration during the summer to lesser flows needed for protection of eggs in the winter.

Once the hydrological data has been collected, scientists use the information to determine how much water should be requested for protection. A Reservation of Water application is then prepared and submitted to Alaska's Department of Natural Resources. After the application has been reviewed and adjudicated, a Certificate of Water is issued that legally ensures the aquatic resources in that river will continue to have sufficient water for their lifecycle requirements.

#### How Have We Done?

To date, more than 300 reservation applications have been filed through the Instream Flow Program resulting in the protection of more than 2,000 miles of rivers (and several lakes).

It should be noted, the [Anadromous Waters Catalog](#) lists over 19,000 streams, rivers or lakes around the state which have been specified as being important for the spawning, rearing or migration of anadromous fish.

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THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Water Resources Section

550 West 7th Avenue, Suite 1020  
Anchorage, Alaska 99501-3579  
Main: 907.269.8600  
TTY: 711 or 800-770-8973  
Fax: 907.269.8904

September 1, 2021

**Subject: 10 – Year Review of Willow Creek (LAS 11562), Reservation of Water Certificate**

Dear Sir or Madam:

The Alaska Department of Natural Resources, Division of Mining, Land and Water, Water Resources Section thanks you for participating in the public/agency notice process regarding the *certificate review* for a Reservation of Water within Willow Creek. The Water Resources Section used these comments to assist in making the decision on this certificate.

Based on the Department's review of this certificate and public/agency notice comments, the Department will continue to maintain the current certificate; however, the certificate will be amended to reduce flows in July and August. For further details about this decision, please see the attached Findings of Facts, and Conclusions of Law document.

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040 (c) and (d), and may be mailed or delivered to Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200.00 under the provisions of 11 AAC 05.160 (a) and (b).

If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to superior court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly Sager".

Kimberly Sager  
Natural Resource Specialist

Encl: Findings of Fact and Conclusions of Law for the 10 – Year review of Willow Creek

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# State of Alaska

Department of Natural Resources  
Division of Mining, Land, and Water

## Willow Creek Reservation of Water LAS 11562

### Reservation of Water Certificate issued to Alaska Department of Fish and Game, Under AS 46.15, the Alaska Water Use Act

#### 11 AAC 93.147 Review of Reservation of Water

In accordance with Alaska Administrative Code 11 AAC 93.147,

(a) The commissioner will review a reservation of water at least once each 10 years after the date of issuance of the certificate of reservation. The commissioner will, in his or her discretion, review a reservation of water in fewer than 10 years if circumstances warrant a review. These circumstances might include:

- 1) a condition on the certificate of reservation requiring an earlier review, under 11 AAC 93.146 (d) (2);
- 2) a significant change affecting the water resource;
- 3) a subsequent applicant's protest of the justification for the reservation of water if water might be unavailable to both maintain the reservation of water and to grant the applicant's request; or
- 4) a written request by the certificate holder to the department, seeking authority to the abandon, convey, transfer, assign, or convert the certificate of reservation to another use; the fee required under 11 AAC 05.010 must accompany the request.

What type of review is this:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> 11 AAC 93.147 (a) – Standard 10 – year review;             | <input type="checkbox"/> 11 AAC 93.147 (a)(3) – Protest by subsequent applicants;  |
| <input type="checkbox"/> 11 AAC 93.147 (a)(1) – Certificate condition requires earlier review; | <input type="checkbox"/> 11 AAC 93.147 (a)(4) – Request to abandon, convey, transfer, assign, or convert to another use. |
| <input type="checkbox"/> 11 AAC 93.147 (a)(2) – Significant change affecting water source;     |  |

If this review is under **11 AAC 93.147(a)(1) - (a)(4)**, explain the need for review:

10/21/21

**Not Applicable**

15 of 31

The criteria for a reservation of water review and regulatory requirements are provided in 11 AAC 93.147(b) and 11 AAC 93.147(d), as detailed in the following:

**A. Review of a reservation of water (according to 11 AAC 93.147 (b)):**

(b) Upon review of a reservation of water, the commissioner will determine

1. *Does the purpose for the reservation still apply?*  YES  NO

In alignment with the Alaska Department of Fish and Game Anadromous Waters Catalog (AWC Code: 247-41-10200-2120), the purpose for the reservation (fish/wildlife habitat protection, migration, and propagation) still applies.<sup>1</sup>

2. *Does the need for the reservation still exist?*  YES  NO

Based on recent ADF&G reports, there is a need that still exists for this reservation. Even as recent as 2015, ADF&G has continuously put in tremendous amounts of effort, time, and money to maintain a population of salmon within Willow Creek and the surrounding areas.

According to the ADF&G Regional Operational Plan (SF.2A.2013.18)<sup>2</sup>, "The Alaska Department of Fish and Game (ADF&G) has stocked the Willow Creek drainage with Chinook salmon since 1985. The purpose of the Willow Creek enhancement program is to increase recreational Chinook salmon fishing opportunities in a cost-effective manner, by supplementing the existing wild run with hatchery-reared Chinook salmon." and "The other need for this project is that Chinook salmon in the Willow Creek system are managed according to the Policy for the Management of Sustainable Salmon Fisheries (5AAC 39.222) and the Policy for Statewide Salmon Escapement Goals (5AAC 39.223)."

ADF&G still incorporates information on Willow Creek fish within their Area Sport Fishing Reports.<sup>3</sup>

3. *Are there any effects on prior appropriators due to the reservation?*  YES  NO

There are no prior appropriators of record within or below the certificated reservation reach.

<sup>1</sup> ADF&G AWC website (<https://adfg.maps.arcgis.com/apps/MapSeries/index.html?appid=a05883caa7ef4f7ba17c99274f2c198f>) Retrieved July 15, 2021

<sup>2</sup> Oslund, S. 2013. Assessment of the Hatchery and Wild components of the Willow and Deception Creek Chinook salmon escapement 2013–2015. Alaska Department of Fish and Game, Division of Sport Fish, Regional Operational Plan ROP.SF.2A.2013.18, Anchorage.

<sup>3</sup> [https://www.adfg.alaska.gov/sf/FishingReports/index.cfm?ADFG=R2.summary&Area\\_key=29&RecordID=58](https://www.adfg.alaska.gov/sf/FishingReports/index.cfm?ADFG=R2.summary&Area_key=29&RecordID=58)



4. Are there any effects on the public interest due to the reservation?

Public Interest Criteria:

<p><b>• Is there still a benefit to the certificate holder as a result of the reservation?</b>  <i>Under Title 16 of Alaska Statutes, ADF&amp;G is the state agency charged with managing Alaska’s fish and wildlife. This reservation of water continues to assist ADF&amp;G in fulfilling its duties as manager of the State of Alaska’s fish and wildlife resources.</i></p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p>
<p><b>• Is there any effect of the economic activities resulting from the reservation?</b>  <i>There are no known effects on economic activities resulting from the reservation; however, Willow Creek is a tributary of the Susitna River and contributes to southcentral Alaska. It provides habitat for fish, macroinvertebrates, amphibians, mammals, and birds. Additionally, Willow Creek contributes to the Upper Cook Inlet fishery, which remains an important commercial fishery that helps support the Alaskan Economy.<sup>4</sup> This reservation will help ensure that the fishery is maintained in the Upper Cook Inlet for commercial use and sportfishing. Willow Creek and several other waterbodies are highly used for sport fishing.</i></p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>
<p><b>• As a result of the reservation, is there any change to effects on fish and game resources and public recreational opportunities?</b>  <i>This reservation has helped maintain the fish and game resources that depend on the fishery. It has not impacted public recreational opportunities.</i></p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>
<p><b>• As a result of the reservation, is there any effect on public health?</b>  <i>This reservation has not had any known impact on public health.</i></p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>
<p><b>• As a result of the reservation, is there any effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the certificate?</b>  <i>There is no known alternate uses of water that would be precluded, hindered, or have effect of loss due to the certificate. If an alternate use of water is precluded by this reservation, this certificate will be reviewed.</i></p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>

<sup>4</sup> Marston, B., Frothingham, A. 2019. Upper Cook Inlet Commercial Fisheries Annual Management Report, 2018. Alaska Department of Fish and Game, Division of Sport Fish and Commercial Fisheries, Fishery Management Report No. 19-25, Anchorage, AK.

<ul style="list-style-type: none"> <li>• <b>As a result of the reservation, is there any harm to other persons?</b>  <i>There is no known harm to persons resulting from this reservation. Public notice of this review was made in the Mat-Su Valley Frontiersman on August 6, 2021. Comments were received that indicated no harm has resulted from this reservation.</i> </li> </ul>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A
<ul style="list-style-type: none"> <li>• <b>As a result of the reservation certificate, is there intent and ability of the certificate holder to complete the appropriation?</b></li> </ul>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
<ul style="list-style-type: none"> <li>• <b>As a result of the reservation certificate, is there any effect upon access to navigable or public waters?</b>  <i>This reservation has not had any impact on access to navigable or public access.</i> </li> </ul>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A

5. Is there additional physical, biological, water chemistry, and socio-economic data or reports concerning the reservation available, which necessitates further review?  YES  NO

*Additional data was found for this certificated reach of Willow Creek, and used to reassess flow numbers.*

**Comparison of exceedence streamflows between original analysis in 1988 and USGS gage records from 1978-2020 (from gage #15294005)**

	Willow Creek Flows Granted in 1988	Original Analysis (1987) (% exceed)	USGS Gage Data 1978-2020 (% exceed)	DNR flow amendments* (cfs)	Exceedence values for amendment flows (%)
January	70	70-75%	65%		
February	58	75%	70-75%		
March	51	70-75%	70-75%		
April	53	75%	80%		
May	259	50-55%	80-85%		
June	339	100%	95-100%		
July	577	70%	40-45%	450	65%
August	463	65%	50-55%	400	60-65%
September	339	60-65%	75-80%		
October	181	75-80%	85-90%		
November	112	75%	65-70%		
December	85	75%	65-70%		

\*Flows can only be reduced and not increased for this certificate.

*Since there has been no conflict over use of the water or serious issues raised during public and agency notice, requiring the certificate holder to collect additional data is not necessary.*



**6. Are the quantities or levels of water reserved adequate for the purposes of the reservation?** YES  NO

*The reserved flows mimic the natural hydrologic variability to meet the needs of fish species and maintain fish habitat. No changes in fish population have been documented in Willow Creek since it was certificated.*

**7. Are the daily duration and months of the year of the reservation still applicable?** YES  NO

*The species assemblage and periodicity of Willow Creek fishery has remained similar since the certificate was issued. As a result of the updated gage data, the duration and timing of the reservation are still more accurately represented and applicable.*

**8. Does additional research, data collection, and analysis need to be conducted, or different methodologies need to be employed to review this reservation?** YES  NO

*A review of data previously used to make a decision for the Willow Creek reservation, as well, as the most current data was done to determine if there were significant differences between the two sets of data to warrant any changes to the certificate.*

*Based on the decision-making matrix employed for reservation of water certificate reviews, no additional data is required. Because the biological needs of the fish population have not changed, there is no additional competition for the resource since the reservation was established, and no objections or complaints were received during the agency and public notice process.*

*When this certificate is reviewed in the future, ADF&G may be required to collect additional data.*

**B. Has written notice been provided, according to 11 AAC 93.147(d)?** YES  NO

- (c) The commissioner will provide written notice, as provided in 11 AAC 93.145(a), of a review of a reservation of water in order to solicit information that might be pertinent to the review. The commissioner will, in his or her discretion, hold a hearing on the review of a reservation of water.

*Agency and public notice were provided as required by 11 AAC 93.147, 11 AAC 93.080, and AS 46.15.133. Notice was published in the Mat-Su Valley Frontiersman on August 6, 2021 as well as on the Department's public notice online website. Notice was also sent to Alaska Department of Fish and Game, Alaska Department of Environmental Conservation, U.S. Fish and Wildlife, U.S. Bureau of Land Management, Matanuska Susitna Borough, Willow Post Office,*

as well as all interested parties that requested notification. Three comments were received for this particular reservation. The Department acknowledges these comments, and took them into consideration

C. Is a further review necessary?

YES  NO

D. Is the original certificate to be amended or revoked (all or in part)?

YES  NO

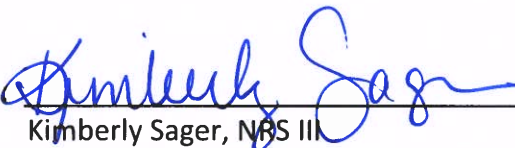
<u>If YES:</u>	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Revoked:
		<input type="checkbox"/> Partially <input type="checkbox"/> All

LAS 11562 Amended Certificate is as follows:


All certificated flows will remain the same with exception of:

Time Period	Amended Flow
July	450 f <sup>3</sup> /s
August	400 f <sup>3</sup> /s

With additional information that provided a more accurate data set along with analysis, the months of July and August will be reduced, as stated above. The priority date will remain the same.

Reviewed by:   
 Kimberly Sager, NRS III  
 Reservation of Water Program, Lead  
 Alaska Department of Natural Resources

Date: September 1, 2021

Concurrence:   
 Tom Barrett, CPG  
 Water Resources Section, Chief  
 Alaska Department of Natural Resources

Date: 9-1-2021

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040 (c) and (d), and may be mailed or delivered to Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200.00 under the provisions of 11 AAC 05.160 (a) and (b).

If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to superior court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



# MATANUSKA-SUSITNA BOROUGH

## Planning and Land Use Department

### Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833

<http://www.matsugov.us> • [planning@matsugov.us](mailto:planning@matsugov.us)

**Date:** 21 October 2021

**Re:** FWC Staff Report

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#### 1. WSAR Update.

- Project Manager Brad Sworts expects Assembly action on Phase 3 in December.

#### 2. Mat-Su Basin Salmon Habitat Partnership

- Nov. 17 = Free Virtual Salmon Symposium. Details: [2021 Symposium](https://2021symposium.matsusalmon.org)  
([matsusalmon.org](https://matsusalmon.org))

#### 3. ADF&G Annual Fishing Season Summary Meeting:

- December 13, 2-4 PM, Assembly Chambers.
- Meeting format/time controls?
- Who to invite?
- Questions to submit?

#### 4. FWC Proposed Meeting Calendar for 2022

#### 5. Bruce Knowles book for checkout.

#### 6. Packet items-staff review.

*Providing Outstanding Borough Services to the Matanuska-Susitna Community*

*Ted Eischeid, Planner II*

*Supporting Environmental Planning and the MSB Fish & Wildlife Commission.*

*[Ted.eischeid@matsugov.us](mailto:Ted.eischeid@matsugov.us) Ph. 907.861-8606, Cell 795-6281*

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# MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

**CHAIRPERSON**

Mike Wood

**VICE CHAIR**

Howard Delo

**MSB STAFF**

Ted Eischeid



**BOARD MEMBERS**

Andy Couch

Larry Engel

Tim Hale

Tam Boeve

Amber Allen

Robert Chlupach

*Ex officio:* Bruce Knowles

## FISH AND WILDLIFE COMMISSION

### AGENDA

### MSB Assembly Chambers

**Remote Participation Options:**

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only – please mute your phone unless you are speaking)

[+1 907-290-7880](tel:+19072907880),[,895866222#](tel:+19072907880) United States, Anchorage

[\(844\) 643-2217](tel:+18446432217),[,895866222#](tel:+18446432217) United States (Toll-free)

Phone Conference ID: 895 866 222#

[Find a local number](#) |

[Learn More](#) | [Meeting options](#)

Meeting Documents available on the FWC Web Page: <https://www.matsugov.us/boards/fishcommission>

**MSB Directive #10 for COVID-19: Cloth facial coverings or a face shield are required (with limited exceptions) while in a Mat-Su Borough facility; face masks are available upon request.**

## **SPECIAL MEETING      5:30 PM      November 18, 2020**

- I.      CALL TO ORDER; ROLL CALL; ESTABLISH QUORUM
- II.     APPROVAL OF AGENDA
  
- III.    INTRODUCTIONS

- a. FWC/Opening Statement ~ 5 minutes
- b. ADF&G/Opening Statement ~ 5 minutes
- c. Audience Introductions/Participation (3 min./person, chair's discretion)

IV.        PRESENTATIONS

- a. Staff
- b. ADF&G

1. Commercial Fishing Season Summary ~ 10 minutes

- 1. FWC discussion ~ 5 minutes

2. Sport Fishing Season Summary ~ 10 minutes

- 1. FWC discussion ~ 5 minutes

3. Other presentations ~ 10 minutes

- 1. FWC discussion ~ 5 minutes

V.         ITEMS OF BUSINESS

- a. FWC/ADF&G Dialogue On Mat-Su Fisheries/FWC Questions ~ 45 Minutes

VI.        AUDIENCE PARTICIPATION (3 min./person, chair's discretion)

VII.       ADF&G/FWC MEMBER COMMENTS ~ 20 minutes

VIII.      NEXT REGULAR MEETING – November 19, 2020, 4 PM

IX.        ADJOURNMENT



# MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

### CHAIRPERSON

Mike Wood

### MSB STAFF

Ted Eischeid



### BOARD MEMBERS

Andy Couch

Howard Delo-VC

Larry Engel

Dan Mayfield

Tam Boeve

Amber Allen

Robert Chlupach

*Ex officio:* Bruce Knowles

## FISH AND WILDLIFE COMMISSION

### AGENDA

### Mat-Su Assembly Chambers

### SPECIAL MEETING

**2 PM**

**December 5, 2019**

- I. CALL TO ORDER; ROLL CALL; ESTABLISH QUORUM
- II. APPROVAL OF AGENDA
- III. INTRODUCTIONS
- IV. STAFF REPORTS
- V. ITEMS OF BUSINESS
  - a. FWC/ADFG Dialogue On Mat-Su Fisheries.
- VI. AUDIENCE PARTICIPATION
- VII. COMMISSIONER COMMENTS
- VIII. ADJOURNMENT

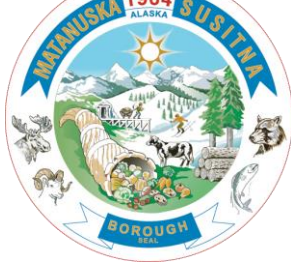
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<u>Year</u>	<u>Topic 1</u>	<u>Topic 2</u>	<u>Topic 3</u>	<u>Topic 4</u>	<u>Topic 5</u>	<u>Topic 6</u>	<u>Topic 7</u>
2012	Regulatory Structure	Susitna Chinook Stock Assessment	NCI SOC; Weirs	Little Su Coho; SOMC	Yentna River; Sonar	Judd, Chelanta, Larson Lakes; Sockeye SEG	Fish Creek; Mgmt Plans; In-season Mgmt
2013	GENERAL MTG. MINUTES	SOC's; Little Su coho as SOC?	Lakes & lost productivity.	Establishing escapement goals for Deshka coho.	Insufficient escapement goals in the MSB.		
2014	Coho goals for Deshka & Susitna	Kenai sonar counts	King salmon mgmt.	Susitna-Yentna sockeye SOC	Future SOC's	2015 sportfish changes	2015 commercial changes
2015	Preseason King salmon regs.	King salmon retrictions.	King salmon harvest in hwy-accessible Susitna River streams.	Offshore test fishery.	Stock of yield concern.	Coho harvests	ADFG research priorities
2016	Susitna sockeye SEG	3-tier method	Kenai sockeye forecast	Susitna River studies	Sockeye productivity data	Willow Ck chinook hatchery fish	Eastside Susitna Chinook Catch and Release
2017	Conservation cooridor concept	Susitna River sonar	Northern bound coho commerical harvest.	Ramping up 3-tier commercial fishery.	Area-wide drift fishing impact on coho.	Area wide drift fishing openers as it realtes to escapement levels.	Comm fish proposals to for addressing N. District SEGs.

UCI Hatchery egg take and 2018 smolt releases.	2019 king salmon season forecast and timeline.	N. CI/Deska R. King Salmon Mgmt Plan for BOF	Salmon goals met in 2018 and how ADFG intends to replicate this.	ADFG research priorities for N./Upper CI	Criteria used for delisting a SOC	Susitna sockeye and Deshka king production.
Turnagain arm, Knik arm, Susitna sockeye 2019 stocks.	Triggers allowing more commercial harvest eastside of N. District.	Emergency Orders and N. District setnets in August.	Susitna River guided fishing log results.	Comm. fishery impacts on N. District and MSB fisheries.	Rationale King fishing only 4 days on Parks Hwy streams?	Unit 2 king salmon fishing impacts.
How are legislators informed about 2020 fisheries/mgmt.	Expected returns Chignik, Kodiak and CI streams; estimates for the Shelikof Strait salmon fisheries?	BEG and SEG still being used?	King salmon returns - fit between projections and actual returns.	Extending Anchor Pt. test fishery into August	Improving access to MSB rivers/streams	Maintenance of existing access facilities/re: susitna landing

<u>Year</u>	<u>Topic 8</u>	<u>Topic 9</u>	<u>Topic 10</u>	<u>Topic 11</u>	<u>Topic 12</u>	<u>Topic 13</u>
2012	Kalgin Island; Off shore test fishery; Genetic analysis	Kenai River sockeye; UCI sockeye run; harvests; UCI stocks				
2013						
2014						
2015	Salmon genetics	Drift net and set net harvests	Little Su coho wier counts	Deshka coho goal		
2016	Fish, Cottonwood, & Wasilla Ck coho	Yentna R. sonar studies	UCI fisheries mgmt plan	Little Su king salmon fishery	Drift fishery mgmt.	
2017	How can MSB struggling fisheries be restored?	Drift fishery mgmt. plan.	ADFG confidence in preseason and inseason forecasts.	Favor a commercial surplus harvest in the Kenai over conservation for northern rivers?	Will drift fishery mgmt compliment closures or restrictions to northern sport fisheries?	Are economic values considered in sport fishing versus commercial drift fishing? Test fishery off Kalgin Island to resume in 2018?

Inseason mgmt of Sustina and Yentna 2018 Rivers?	2018 Coho and King escapment goal counts for northern CI.	Comm fish assuming allocative authority despite BOF.	Kenai sonar counting pinks as sockeye?			
What approach to 2019 delisting a SOC?	Susitna sub-basin mgmt goals proposal explanation.	Probability of closing N. District King salmon season?	Timeline for N. District King salmon forecast.	UCI salmon research and mgmt priorities.	What salmon streams have lost their salmon stocks?	Salmon stocks not being monitored
King salmon 2020 forecast for 2021	Larson Ck sockeye returns	Prioritize salmon mgmt objectives	Adjusting comm fishing in light of sport fishing closures			



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**Date:** 21 October 2021

**Re:** Proposed MSB FWC Meeting Calendar for Calendar Year 2022

**Background:** In recent years the FWC has met the third Thursday of each month, taking the three summer months off.

<u>Month/Date</u>	<u>Time</u>	<u>Location – DSJ Bldg, 350 E. Dahlia Ave, Palmer</u>
January 20	4 PM	Assembly Chambers
February 17	4 PM	Lower Level Conference Room
March 17	4 PM	Lower Level Conference Room
April 21	4 PM	Lower Level Conference Room
May 19	4 PM	Lower Level Conference Room
<i>SUMMER BREAK</i>	<•)(((((<	<•)(((((< <•)(((((< <•)(((((< <•)(((((< <•)(((((<
September 15	4 PM	Lower Level Conference Room
October 20	4 PM	Lower Level Conference Room
November 17	4 PM	Assembly Chambers
December 15	4 PM	Lower Level Conference Room
TBD	2 PM	Assembly Chambers – Special Meeting: Annual ADFG 2022 Fishing Season Summary

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***Ted Eischeid, Planner II***

*Supporting Environmental Planning and the MSB Fish & Wildlife Commission.*

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