

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

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Mike Wood

VICE CHAIR

Andy Couch

MSB STAFF

Ted Eischeid



BOARD MEMBERS

Howard Delo

Larry Engel

Tim Hale

Peter Probasco

Jesse Sumner

Kendra Zamzow

Ex officio: Jim Sykes

FISH AND WILDLIFE COMMISSION

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05/19/2022

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Planning and Land Use Department - Planning Division

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MATANUSKA-SUSITNA BOROUGH
MSB Fish and Wildlife Commission Agenda

Edna Devries, Mayor

Mike Wood – Chair
Andy Couch – Vice Chair
Howard Delo
Larry Engel
Tim Hale
Peter Probasco
Jesse Sumner
Kendra Zamzow
Jim Sykes – 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*

May 19, 2022
REGULAR MEETING
4:00 p.m.

Ways to participate in MSB Fish and Wildlife Commission meetings:

IN PERSON: Lower Level Conference Room.

REMOTE PARTICIPATION:

Microsoft Teams meeting

Join on your computer or mobile app

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[+1 907-290-7880,,394675269#](#) United States, Anchorage

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- I. CALL TO ORDER
- II. ROLL CALL – DETERMINATION OF QUORUM/LAND ACKNOWLEDGEMENT
- III. APPROVAL OF AGENDA
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF MINUTES
 - A. April 21, 2022, Regular Meeting Minutes

- VI. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
- VII. STAFF/AGENCY REPORTS & PRESENTATIONS
 - A. MSB Legislative Rep Update
 - B. Presentation: Shannon Martin, KRSA – Preparing for BOF 2024
 - C. Presentation: Sue Mauger/Jessica Speed - Cold Water Refugia on the Deshka and Big Lake Systems
- VIII. UNFINISHED BUSINESS
 - A. Draft Water Reservation Questions for June 2 Special FWC Meeting
- IX. NEW BUSINESS
 - A. RS FWC 22-03: Recommending Deshka parcels for cold water watershed classification
- X. MEMBER COMMENTS
- XI. NEXT MEETING DATE: Special Meeting, June 2, 4 PM
- 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.

MSB FISH AND WILDLIFE COMMISSION**Regular Meeting: April 21, 2022****Minutes**

DSJ Building, Lower Level Conference Room //TEAMS Remote Participation

Minutes prepared by Ted Eischeid, Planner

-
- I. CALL TO ORDER
Call to order at 4:03 PM by chair Mike Wood.
- II. ROLL CALL – DETERMINATION OF QUORUM/LAND ACKNOWLEDGEMENT
Present: Mike Wood (MW), Andy Couch (AC), Howard Delo (HD), Larry Engel (LE), Pete Probasco (PP), Kendra Zamzow (KZ), Jim Sykes.

Absent: Tim Hale, Jesse Sumner

We acknowledge that we are meeting on traditional lands of the Ahtna and Dena'ina people, and we are grateful for their stewardship of the land, fish, and wildlife throughout time immemorial.
- III. APPROVAL OF AGENDA
Moved by LE, Second by HD.
Agenda approved as presented without objection.
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF MINUTES
a. March 17, 2022, Regular Meeting Minutes.
Moved by LE, Second by HD; KZ found misspelled first name (Isreal -> Israel).
Motion passed without objection
- VI. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
1. Neil Dewitt
2. Maija Desalvo, MSB staff.
3. Becky Long – reviewed Recreation Rivers Board (RRB) meeting;
[Recess at about 4:10; back in order at 4:22. (technology problems)].
Becky Long comments continued; MEA powerline.
4. Amber McDonough: speaking in favor of FWC 22-02 MEA Resolution; thanked HD for his article; appeal process – she will be appealing, hearing on April 28 with a livestream.
5. Buddy Whitt, staff to Sen. Hughes
6. Melissa Heuer, SRC
7. Stephen Braund – NDSNA
8. Bill Stoltze, MSB Staff.
- VII. STAFF/AGENCY REPORTS
A. Legislative Staff
Buddy Whitt – discussed BOF/BOG nominees (staff to Sen. Hughes)

BOF Appointees- 3 – so far not controversial
Michael Heimbuch
Thomas Carpenter
David Weisz

BOG
Ruth Cusack
Allen Barette

B. Staff Report – Ted Eischeid

VIII. UNFINISHED BUSINESS

1. West Susitna Access Road Project

Moved by KZ to request for the full comments unedited and unsummarized from the WSAR PIP program; seconded by LE.

Motion passes unanimously.

Request from HD to post this online to the FWC web page.

Moved by KZ; HD second.

Ask WSAR public outreach consultant to submit copies of all reports; whatever was sent to AIDEA and to the Assembly versus what was released to the public;

Motion passes unanimously.

IX. NEW BUSINESS

1. MEA Utility Project, RS FWC 22-02.

Moved AC to approve FWC 22-02; second by HD;

KZ moved submitted amendment 1a; PP seconded. Friendly amendment: to add three words.

Motion passes unanimously.

KZ moved “ADFG whereas” to right after MEA whereas; HD second.

Motion passes unanimously.

MW moved amendment , KZ seconded; Therefore 2 add to watershed:, particularly by opening up access;

Motion passes unanimously

MW moved, HD seconded, Moved to add to 3 amendment 1c;

Motion passes unanimously.

KZ moved submitted amendment 2, LE seconded;

Add by addition to the end of original whereas's;

Motion passes unanimously.

KZ moved amendment 3 , HD seconded;

MOTION FAILED

KZ moved submitted amendment 4 with some changes (deletion and addition); HD seconded.

Yes:

No; unanimously

FAILS

J Sykes moves an additional amendment 1- line 1 only; AC seconded.

Motion passes unanimously.

J Sykes moves an additional amendment 2, KZ seconded.

Motion passes unanimously.

Motion as amended, passes unanimously.

Staff was asked to submit this to MEA; to Will Klatt and the routing email for the project; post to the web page.

2. June 2 Special FWC Meeting Planning: Water Reservation Questions

MW moved KZ to work on the draft questions and bring back May 19th meeting for action; HD second. Add this to the May 19 agenda. (Ted will need by May 9).

Motion passed unanimously.

3. Recreation Rivers Act/Board Discussion

MW discussed the board meeting from April 20.

April 29 emergency meeting at 1-3 PM to discuss the public outreach draft questionnaire.

4. BOF/BOG Nominees

No action.

X. MEMBER COMMENTS

LE: Thanks to staff for support; maybe we should scale back some of our work.

KZ

HD: ADN article on MEA project was well written.

PP: thank you. Need to look at our agenda items and maybe reduce the number of items in the time allotted. Appreciate MW's leadership

TE:

MW: Thanks to staff and Bill for their work, especially the legislative connections.

XI. NEXT MEETING DATE: Thursday, May 19, 4 PM, LLCR

XII. ADJOURNMENT

Moved by LE to adjourn, Second by KZ.

Motion passes unanimously.

Meeting stands adjourned at 6:45 PM

Mike Wood, Chair

Dated

ATTEST:

Ted Eischeid, Planner II Staff

Dated

Version 1: Draft MSB Fish & Wildlife Questions to DNR/ADFG for June 2 Special Meeting**A. On water reservation applications**

1. Please provide a list of water reservation applications (both applied for and granted) for Mat-Su Borough lakes and streams and a map of application locations. Please include links to the DNR's website, or electronic copies of the items below for each application:

- name of the applicant or certificate holder
- name and coordinates of the water body
- date of application filing
- reason for water reservation requested
- amounts of water requested
- amounts of water granted (if granted)
- current status of the request

Are there any active plans to put this information online for convenient public use?

2. What is the criteria used to determine the order in which applications are addressed for a decision?

3. It seems many Alaskans don't understand the rules governing water uses and reservations. Presently there seems to be relatively few competing demands for water, but as time goes on competition will surely increase. Does DNR have plans to better educate the public regarding water laws and uses?

B. On water reservation application approvals

1. What are the primary reasons that water reservation applications take so long to receive a DNR decision?

2. Why have water reservation requests for streams such as Wasilla Creek and Sheep Creek (near Caswell) been waiting for a decision for over a decade?

3. What can be done to improve the application decision process?

4. The flow of Cottonwood Creek is much greater than the amount allowed to be reserved for fish in the approved certificate of reservation. How does DNR determine that only a portion of a specific percentage of historic stream flow is needed for fish / wildlife / recreation on a stream with very limited stream flow like Cottonwood Creek?

C. On reservation certificate reviews

- Issued water reservation certificates are, under the law, required to be reviewed by DNR at least every 10 years.

1. Why isn't this requirement regularly occurring?

2. Why are streams that have had certificates for less than 10 years being reviewed? [Context: They should not have the certificate reviewed unless there is a particular reason to do so, and that reason should be stated clearly in the public notice of review.]

3. What goes into DNR's decision of which ISF certificates to review? [Context: It is not acting chronologically. For example, Cottonwood Creek certificate was granted in July 1988 and

reviewed in February 2022 but Willow Creek near Willow was granted in May 2017 and reviewed in September 2021, less than 6 years after getting its certificate.]

4. Why is DNR starting 10-year reviews of certain Mat-Su Valley streams when there are many other Mat-Su streams whose water rights have not yet been adjudicated?

5. When doing a water allocation review why is it that DNR only resets water allocations at the same level or at a lesser level?

- Does this equal or lessening pattern have a likelihood of negatively impacting the original reason for a specific water allocation?
- Is the decision to reduce the flow unilateral (by DNR), or is the certificate holder contacted and conferred with before the decision is made?
- Based on information collected during the DNR review, could DNR provide a third option of recommending to the certificate holder that they apply for a greater amount of flow?

D. Public process

1. If DNR wants to have a robust and meaningful public comment on instream flow reservations, could the comment period be longer?

- Why is the review period so brief? [Context: For example, the last review on Cottonwood Creek did not provide enough time for this Commission to comment -- even though we meet mostly on a monthly basis during the fall / winter / spring. A comment period of 60 days would allow us to receive notice, discuss the review at a public meeting, and provide DNR with comments.]
- Does the miniscule amount of public comments about instream flow reservations for both Willow Creek and Cottonwood Creek raise any concerns with DNR that perhaps better public notice and more time to respond should be standard operating procedure? Why or why not?

2. Would it be possible to provide the link to the original application for a certificate and the original DNR decision in the public notice?

- [Context: To avoid the need for the Fish & Wildlife Commission to have to request the information each time, and to provide better overall information to the public, it would be useful to either have a link in or a document associated with the public notice with this information.]

Version 2: Draft MSB Fish & Wildlife Questions to DNR/ADFG for June 2 Special Meeting

Gray highlighted text = Additional Question compared to Version 1 draft questions.

A. On water reservation applications

1. Please provide a list of water reservation applications (both applied for and granted) for Mat-Su Borough lakes and streams and a map of application locations. Please include links to the DNR's website or electronic copies of the items below for each application:
name of the applicant or certificate holder

- applicant name(s)
- name and coordinates of the water body
- date of application filing (priority date)
- Land Administrative System (LAS) number
- reason(s) for water reservation requested
- amounts of water requested by month or season
- current status of all applications received (e.g. original application requests still pending adjudication, applications in the process of adjudication, applications pending 10-year reviews, and applications in the process of 10-year reviews)
- for applications granted: original date granted and amounts of water and any special conditions
- for applications granted: date 10-year reviews were initiated, completed, or other status
- copies of original and amended reservations of water applications
- copies of certificates of reservations
- copies of findings of fact and conclusions of law
- final results documentation for 10-year reviews

Are there any active plans to post any of this information (not currently available) online for convenient public use (see also section D)?

2. What criteria are used to determine the order in which
- in which new reservation of water applications pending adjudication (in the DNR water rights backlog) are addressed for a decision? (see also Section C)
 - in which existing granted reservations of water undergo a 10-year review? (see also section C)
 - of whether a new application pending adjudication is fully adjudicated versus fully adjudicating a 10-year review of an existing reservation of water (see also section C)?

3. Does DNR have plans to better educate the public regarding water use laws, and regulations for all uses? It seems many Alaskans don't understand the rules governing water use categories (withdrawals, diversions, impoundments, and reservations) including temporary water uses. It also appears the public at large may not be aware of and understand the various public participation processes and opportunities that are available for public input relating to adjudicating different types of water uses and how to be apprised of these opportunities, and ultimately outcomes. Presently, there seems to be

relatively few competing demands for water, but as time goes on competition will surely increase. (see also section D).

- Does ADF&G's AS 16.05.841 (fishway required) and .871 (protection of fish and game) relate to any of these processes?

B. On water reservation application approvals

1. What are the primary reasons that water reservation applications take so long to be adjudicated and receive a final DNR decision?
2. Why have water reservation requests for streams such as Wasilla Creek and Sheep Creek (near Caswell) been waiting for a decision for over a decade?
3. What can be done to expedite and improve the application adjudication decision processes?
4. The seasonal flows of Cottonwood Creek are much greater than the amount allowed to be reserved for fish in the approved certificate of reservation. How does DNR determine that only a portion of a specific percentage of historic stream flow is needed for fish / wildlife / recreation on a stream with very limited stream flows like Cottonwood Creek?
5. How can we, the MSB FWC, contribute to improving this process and the decision outcomes?

C. On reservation of water certificate 10-year reviews

- Issued water reservation certificates are, under the law, required to be reviewed by DNR at least every 10 years.
 1. Why wasn't this requirement implemented until 2020?
 2. Are there streams that have had certificates for less than 10 years being reviewed? If so, are there provisions in the certificate of reservation allowing a review of the reservation in a shorter time frame?
 3. What goes into DNR's decision of which ISF certificates to review? [Context: It is not acting chronologically. For example, Cottonwood Creek certificate was granted in July 1988 and reviewed in February 2022 but Willow Creek near Willow was granted in May 2017 (1987 ??) and reviewed in September 2021, less than 6 years after getting its certificate.] [Check accuracy of the Willow Creek dates]
 4. Why is DNR starting 10-year reviews of certain Mat-Su Valley streams when there are many other Mat-Su streams whose reservations of water applications (and other types of water?) rights have not yet been adjudicated (see also section B)?
 5. When doing a 10-year reservation of water ~~allocation~~ review, why is it that DNR only resets water allocations for the reservation of water at the same level or at a lesser level?

- Does DNR assess if this equal or lessening pattern will have a likelihood of negatively impacting the original reason for a specific reservation of water allocation?
- Is the 10-year decision to reduce the flow unilateral (by DNR), or is the certificate holder or other state agency contacted and conferred with before the decision is made?
- Based on information collected during the DNR review, could DNR provide a third option of recommending to the certificate holder that they apply for a greater amount of flow?

D. Public Involvement Process

1. If DNR wants to have a robust and meaningful public comment on instream flow reservations, could the comment period be longer?

- Why is the public review period so brief? How can interested parties obtain a longer comment period?[Context: For example, the last review on Cottonwood Creek did not provide enough time for this Commission to comment -- even though we meet mostly on a monthly basis during the fall / winter / spring. A comment period of 60 days would allow us to receive notice, discuss the review at a public meeting, and provide DNR with comments]
- Does the small number of public comments received by DNR about instream flow reservations for both Willow Creek and Cottonwood Creek raise any concerns with DNR that perhaps better public notice and more time to respond should be standard operating procedures? Why or why not?

2. Per Section A item requests, would it be possible to provide a link to the complete original application (and amended application if applicable), a copy of the certificate(s), and the original DNR decision in the public notice?

- [Context: To avoid the need for the Fish & Wildlife Commission to have to request the information each time, and to provide better overall information to the public, it would be useful to either have a link in or a document associated with the public notice with this information. Note suggestions in Section A]

3. How can we and other interested parties, including the public, make sure we are apprised of all reservation of water public comment opportunities (original application adjudications, 10-year reviews, etc.) and other related water rights actions in both the Mat-Su and for other parts of Alaska?

4. Has DNR evaluated the merits of reestablishing the Alaska Resources Water Board (AS 46.15.190) to help better represent and take into account the perspectives of all public water stakeholder interests, including to facilitate better public participation in development and support of constructive regulation and statutory proposals?

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MATANUSKA-SUSITNA BOROUGH Community Development Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7869 • Fax (907) 861-8635

E-mail: lmb@matsugov.us

MEMORANDUM

DATE: May 11, 2022
TO: Matanuska-Susitna Borough Fish and Wildlife Commission
THRU: Eric Phillips, Community Development Manager
FROM: Emerson Krueger, Natural Resource Manager
FOR: Classification of MSB Land on Deshka River, Agenda of May 19, 2022

REQUEST:

The Land and Resource Management Division seeks MSB Fish and Wildlife Commission review and approval of a resolution recommending Assembly direct Administration to bring forward an ordinance classifying key Borough-owned parcels on the shore of the Deshka River as “watershed” for purpose of supporting salmon habitat.

SUMMARY:

A recent effort to map water temperatures along the Deshka River discovered much of the river reaches temperatures above the healthy tolerance of salmon. Key locations were mapped where groundwater is flowing into the Deshka River, creating isolated zones of lower temperatures where the salmon reside during the heat of the day. The first step to safeguarding these cold water zones along the Deshka is for the State and Borough to classify the parcels where the groundwater seeps have been mapped as “watershed”. Borough Administration could be directed by the Assembly to draft legislation to classify these parcels “watershed”.

DISCUSSION:

Summer day time temperatures along much of the Deshka River are too hot to support salmon populations. During the heat of the day, salmon have been observed harboring in isolated cold water zones, fed by groundwater seeps. Protecting these cold water inputs is imperative to protect the salmon runs on the Deshka River. Classifying the MSB parcels where cold water seeps have been mapped is the first step to safeguarding the salmon runs in this waterbody.

RECOMMENDATION:

Planning Division respectfully recommends that the Fish and Wildlife Commission adopt a resolution of support recommending Assembly direct Administration to develop legislation classifying key parcels on the Deshka River for “watershed”.

Attachments:

Map (1 pp)

Deshka River Thermal Mapping Project Summary (2 pp)

Fish and Wildlife Commission Resolution Serial No. 2022- (2 pp)

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Deshka River Thermal Mapping



Why temperature?

Water temperature affects all phases of the salmon lifecycle, including :

- * egg/embryo survival
- * juvenile growth
- * timing of seaward migration
- * migration rate of returning adults

Warm water temperature induces stress in salmon and makes them more vulnerable to pollution, predation and disease.

For more details about this project, contact:

Sue Mauger
Cook Inletkeeper
(907) 235-4068 x24
sue@inletkeeper.org
or
Dan Rinella
USFWS
(907) 271-2871
daniel_rinella
@fws.gov

Deshka River

The Deshka River watershed is among the warmest salmon systems in the Mat-Su basin, with summer water temperatures regularly exceeding thresholds considered stressful for rearing juvenile and spawning adult salmon, yet it often produces the largest Chinook salmon returns in upper Cook Inlet. In 2017, Cook Inletkeeper and U.S. Fish and Wildlife Service began a 5-year effort to map the variation in water temperature across the Deshka River watershed.

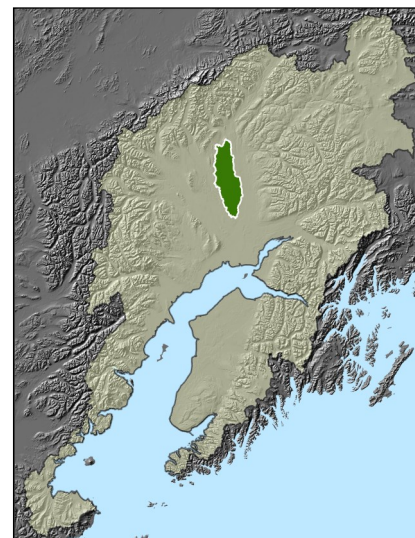


We are monitoring year-round water temperature at 62 sites with clusters of data loggers at 20 major tributary junctions, like the one pictured above.

Watershed Facts

The Deshka River watershed (highlighted in green on the Cook Inlet basin map) flows into the west side of the Susitna River.

Watershed size	625 square miles
Maximum elevation	1,504 feet
Mean elevation	485 feet
Percent wetlands	40%
Connected lakes	Yes



Adult salmon returning to freshwater streams to spawn are stressed by temperatures above 15°C (59°F), while juvenile growth is diminished by temperatures above 13°C (55.4°F).



ⁱ ADF&G. 2013. http://www.adfg.alaska.gov/index.cfm?adfg=chinookinitiative_susitna.ain#adulthood

ⁱⁱ Schoen, E., R. Shaftel, C. Cunningham, L. Jones, S. Mauger, D. Rinella, and A. St. Saviour. In prep. Freshwater drivers of Chinook salmon in Cook Inlet, Alaska. Prepared for the Pacific Marine States Fisheries Commission. Alaska Center for Conservation Science, Anchorage, AK.

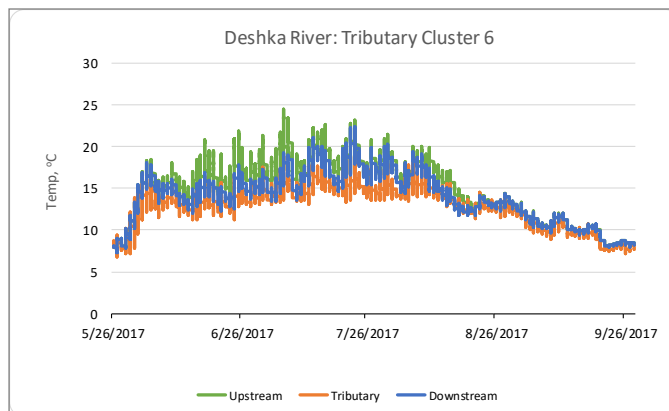
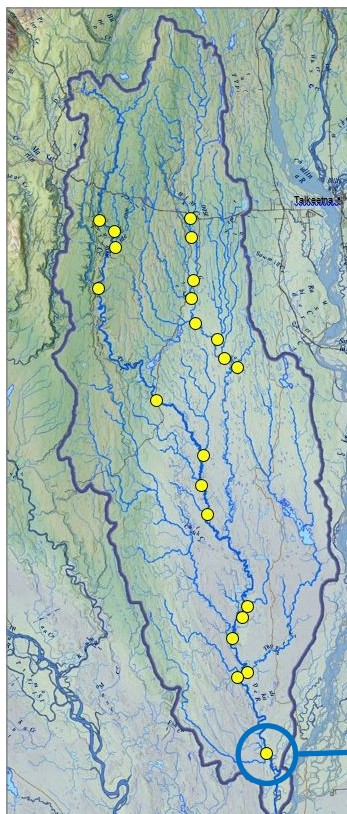
ⁱⁱⁱ Mauger, S., R. Shaftel, J. C. Leppi, and D. J. Rinella. 2017. Summer temperature regimes in southcentral Alaska streams: watershed drivers of variation and potential implications for Pacific salmon. *Canadian Journal of Fisheries and Aquatic Sciences* 74: 702-715.

^{iv} Shaftel, R., S. Mauger, J. A. Falke, D. J. Rinella, J. Davis, and L. Jones. 2018. Classification of stream thermal regimes in the Matanuska-Susitna Basin, Alaska. *Freshwater Biology*. In prep.

Support for the Deshka River Thermal Mapping project is provided by U.S. Fish and Wildlife Service, Mat-Su Basin Salmon Habitat Partnership and Cook Inletkeeper members.

Why the Deshka River?

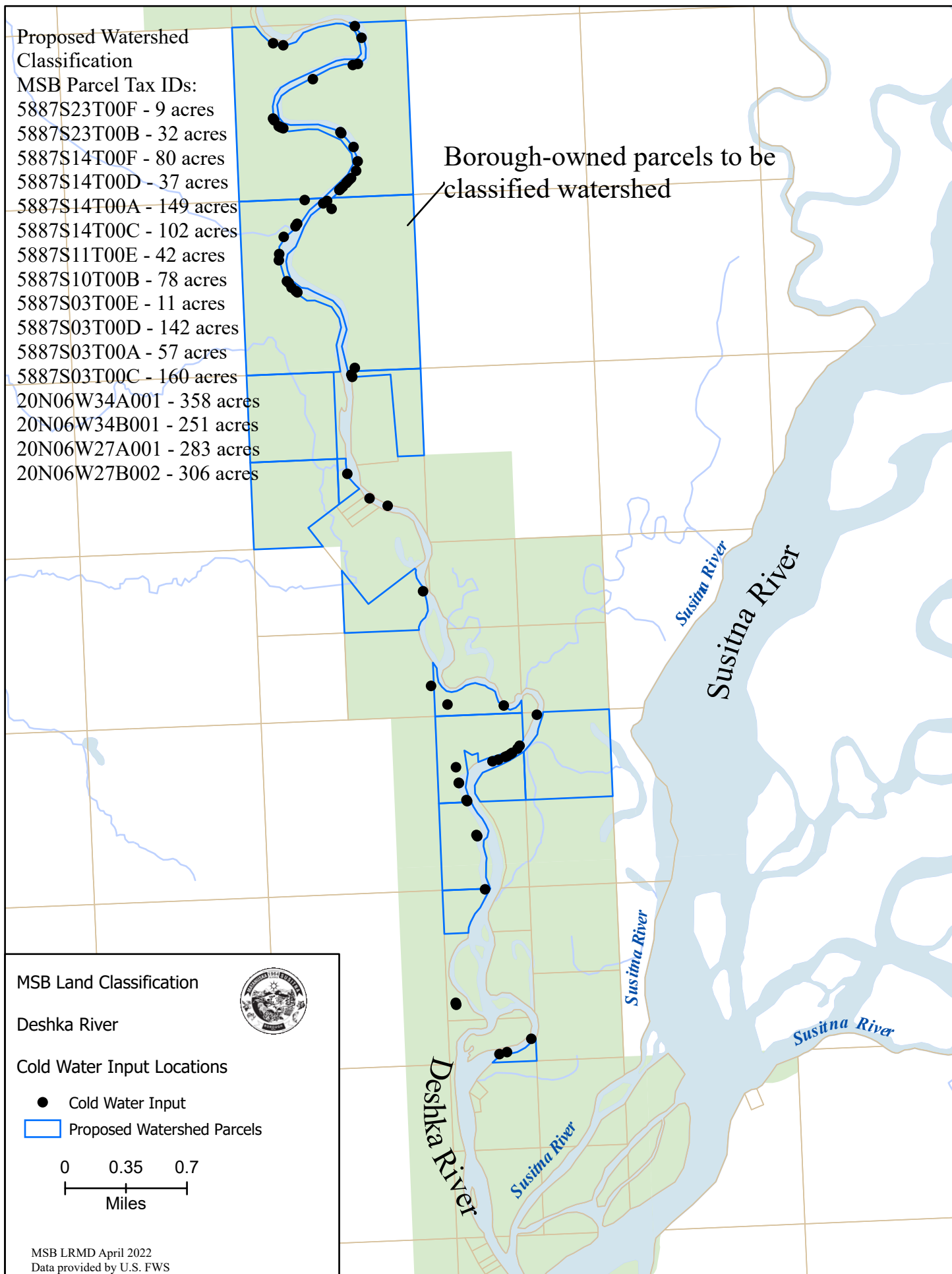
- Produces 21% of the Chinook salmon escapement for the Susitna River basinⁱ
- Summer water temperatures have increased by 1.5°C (2.7°F) since 1980ⁱⁱ
- Water temperatures as high as 24.5°C (76.1°F) have been recorded in recent yearsⁱⁱⁱ
- Weekly water temperatures are projected to exceed 26.0°C (78.8°F) by 2060ⁱⁱⁱ
- In the future, we expect other Mat-Su basin streams to become as warm as the Deshka River^{iv}



The map above shows the temperature monitoring locations with clusters of data loggers at 20 major tributary junctions (yellow dots) across the Deshka River watershed. The influence of a cold-water tributary on the mainstem temperature is illustrated in the chart, where the downstream temperature is lower than the upstream temperature. Cool inputs from this tributary (photo) likely provide important refuge from warm summer temperatures for spawning and rearing Chinook salmon.

Why does this work matter?

This project will extend the temperature baseline for this important Chinook salmon-producing watershed, identify cold-water refugia for conservation actions, lay the groundwork for future planned studies relating water temperature to adult and juvenile salmon habitat use, and generate readily transferable methods for additional thermal mapping projects in Alaska.

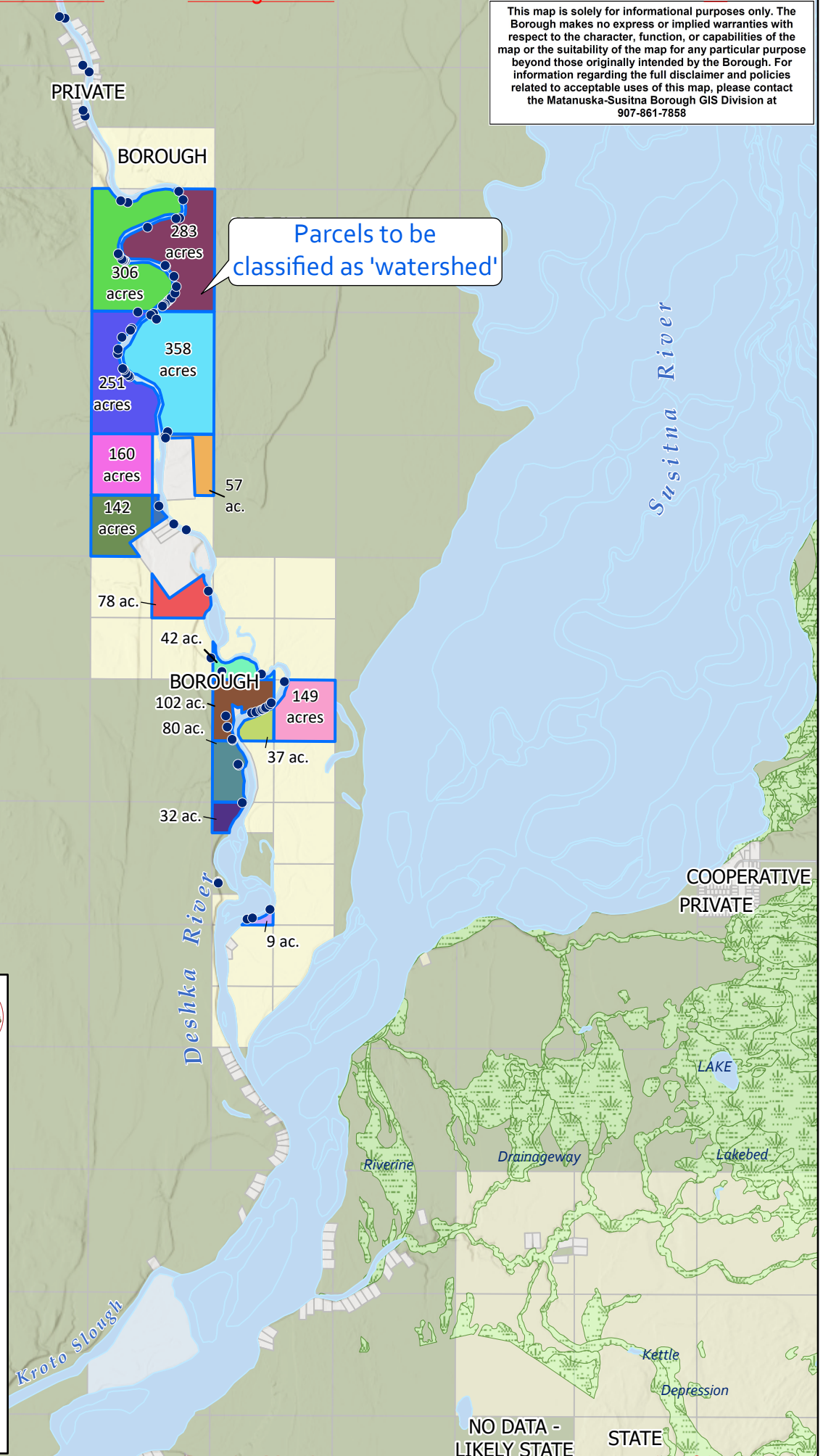


Proposed Watershed Classification

MSB Parcel Tax IDs:

- 20N06W27A001
- 20N06W27B002
- 20N06W34A001
- 20N06W34B001
- 5887S03T00A
- 5887S03T00C
- 5887S03T00D
- 5887S03T00E
- 5887S10T00B
- 5887S11T00E
- 5887S14T00A
- 5887S14T00C
- 5887S14T00D
- 5887S14T00F
- 5887S23T00B
- 5887S23T00F


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858



Path: P:\User\Camm Development\Land Management\GIS_Data\shp\DeshkaRiver\ColdWaterInputs\DeshkaLandClassMap_NEW.aprx

NO DATA -

MSB Land Classification

Deshka River 

Cold Water Input Locations

- Cold Water Input
- ▭ Proposed Watershed Parcels
- ▭ MSB Waterbodies
- ▭ Existing MSB Wetlands

Land Ownership

- ▭ BOROUGH
- ▭ COOPERATIVE
- ▭ PRIVATE
- ▭ STATE
- ▭ NO DATA - LIKELY STATE
- ▭ WATERBODY

0 0.5 1 Miles

Produced by MSB GIS/LRMD on 4/20/2022

MATANUSKA-SUSITNA BOROUGH**FISH & WILDLIFE COMMISSION RESOLUTION SERIAL NO. FWC 22-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION RECOMMENDING MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECT ADMINISTRATION TO CLASSIFY KEY BOROUGH-OWNED PARCELS ON THE SHORE OF DESHKA RIVER AS WATERSHED LANDS TO PROTECT SALMON POPULATIONS.

WHEREAS, the Matanuska-Susitna Borough (MSB) Fish and Wildlife Commission (FWC) has reviewed the outcomes of a recent study on the temperature of water entering the Deshka River from adjacent groundwater seeps; and

WHEREAS, this new information shows that certain parcels supporting the cold water inputs to the Deshka River are essential for maintaining healthy salmon runs on the river; and

WHEREAS, the FWC believes it is important that the MSB takes every available action to safeguard healthy salmon runs in local water bodies; and

WHEREAS, economic studies in our region in 2007 and 2017 show the significant positive economic impact returning salmon have on the economy of the MSB, that included \$56 million in direct spending benefits to the MSB in 2017 alone, and there are additional economic benefits from healthy wildlife populations, both of which require adequate and quality habitat locally; and

WHEREAS, the MSB can classify these parcels as watershed lands in recognition of the water quality function they provide that protects salmon habitat.

NOW, THEREFORE, BE IT RESOLVED, that the FWC recommends the Matanuska-Susitna Borough Assembly direct Borough Administration to bring forward legislation classifying key Borough-owned parcels on the shore of the Deshka River as "Watershed" Lands

ADOPTED by the Matanuska-Susitna Borough Fish and Wildlife Commission this 19th day of May, 2022.

Mike Wood, Chair

ATTEST:

TED EISCHEID, Staff

(SEAL)

“Watershed” as described in MSB Code**23.05.100 LAND CLASSIFICATIONS.** 

(A) Borough-owned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities.

(B) The following are classifications of borough lands which recognize and depict potential suitable uses of those lands:

- (1) “Agricultural lands” are those lands which, because of soils, location, physical or climatic features, or adjacent development, are presently or potentially valuable for the production of agricultural crops.
- (2) “Commercial lands” are those lands which, because of location, physical features, or adjacent development, are presently or potentially valuable for trade and commerce.
- (3) “Forest management lands” are those lands which, because of physical, climatic, and vegetative conditions, are presently or potentially valuable for the production of timber and other forest products.
- (4) “General purpose lands” are those lands which, because of physical features, adjacent development, location, or size of the area, may be suitable for a variety of uses, or which do not lend themselves to more limited classification under other land designations.
- (5) “Grazing lands” are lands which have physical and climatic features which make it primarily useful for the pasturing of domestic or semi-domestic livestock.
- (6) “Homestead lands” are lands made available for personal residential use under the borough’s homestead program.
- (7) “Industrial lands” are lands which, because of location, physical features, or adjacent development, are presently or potentially valuable for industrial, manufacturing, or warehousing purposes.
- (8) “Land bank lands” are those lands for which specific long-term uses have not yet been determined but, due to the land’s surface and sub-surface resources, are suitable for management utilizing the multiple use concept during the near term.
- (9) “Material lands” are those lands which are chiefly valuable for earth materials, including, but not limited to, sand, gravel, soil, peat moss, sphagnum, stone, pumice, cinders, and clay, where the removal of the material would seriously interfere with utilization of the lands for other purposes.
- (10) “Mineral lands” are those lands which are chiefly valuable for minerals, including, but not limited to, coal, phosphate, oil, shale, sodium, sulphur, and potash, where the removal of the material would seriously interfere with use of the surface of the land.

(11) "Private recreation lands" are those lands which, because of location, physical features, or adjacent development, are presently or potentially valuable as outdoor recreational areas and may be best utilized by private development.

(12) "Public recreation lands" are those lands which, because of location, physical features, or adjacent development, are presently or potentially valuable to the public as natural or developed recreational or historic areas.

(13) "Reserve use lands" are those lands which have been transferred, assigned, or designated for present or future public use, or for use by a government or quasi-government agency, or for future development of new town sites, or for future expansion of existing public uses, or for development of Port MacKenzie.

(14) "Residential lands" are those lands which, because of location, physical features, or adjacent development, are presently or potentially valuable for either single-family or multifamily dwellings.

(15) "**Watershed** lands" are lands that may be forested at a high or moderate relief which will direct water to low lying areas covered or saturated by surface or groundwater sufficient to normally support vegetation found in areas such as riparian, swamps, marshes, bogs, estuaries, and similar areas.

(16) "Resource management lands" are lands which, because of surface or subsurface resources contained within the land or in connection with adjacent lands, are presently or potentially valuable for multiple-use management.

(17) "Wetland bank lands" are lands which, because of location and physical features, are presently or potentially valuable for wetland mitigation banking.

(Ord. 16-100, § 11, 2016; Ord. 12-013, § 2, 2012; Ord. 10-084, § 2, 2010; Ord. 05-042(AM), §§ 2, 3, 2005; 94-069AM1, § 3 (part), 1994)

23.05.150 DEFINITIONS.

(A) The following definitions shall apply in this title:

- "Adjacent" means having a common boundary with another property. Properties having only a corner in common, or separated by a public road, are not adjacent.
- "Agriculture" means the production and harvest or care of plants, animals, birds, fish, bees, and other organisms by humans for use in providing food, fuel, fiber, shelter, clothing, energy, and aesthetics. Kennels and catteries are not considered as an agricultural use.
- "Annual allowable cut" means the amount of acreage of commercial forest land that may be harvested annually or periodically in accordance with MSB [23.20.040](#).
- "Appraisal" means an opinion as to the fair market value of property or interests therein.

- “As-built” means a drawing indicating the location of improvements or physical features with reference to the centerline of an existing roadway or with reference to the exterior boundary of a surveyed parcel, both with reference to existing monuments.
- “Assessed value” means the value placed on property as a basis for taxation.
- “Auction” means a public sale of title, leasehold or other interests in borough real property by public outcry or sealed bid, or combination of both.
- “Beneficial industrial or commercial enterprise” means an enterprise which will contribute to the economic well-being of the community without significant adverse environmental impact, and meets the best interest requirements of MSB [23.05.030](#)(G).
- “Best use” means the reasonable, probable, potential, and legal use of real property which the soil conservation service soil capability class supports, and which is physically possible, financially feasible, and results in the highest value or most beneficial use.
- “Board of adjustments and appeals” means the board established under MSB [15.39](#).
- “Certified valuation” means the valuation as of January 1st of each year, established as the tax assessment roll of real estate and certified by the borough assessor by June 1st of each year.
- “Classified lands” means borough-owned land that has recognized potential or is suitable for particular use or uses that have been designated by assembly ordinance.
- “Commercial” means intended for a use which generates a profit.
- “Commercial forest land” means forest land capable of supplying timber or timber products for commercial utilization such as saw logs, house logs or fiber material.
- “Competitive sale” means a sale offered through sealed bid or outcry auction.
- Cordwood. See “Firewood.”
- “Cost approach analysis” is an appraisal that utilizes the cost of developing a property, or the cost of preparing a resource sale including such things as administrative costs, road construction, survey, and timber unit layout.
- “Director” means the community development director.
- “Dominant timber type” means the dominant timber species in a commercial timber area within a forest management unit.
- “Earth materials” includes but is not limited to those natural resources such as sand, gravel, soil, peat moss, sphagnum, stone, pumice, cinders, and clay; also called “materials.”

- “Easement” means any strip of land reserved for public utilities, drainage, sanitation, access, or other specified uses, the title to which shall remain in the property owner, subject to the right of use designated on the subdivision plat or other document.
- “Ecosystem” means a collection of living things and the environment in which they live.
- “Exchange” means to trade real property to another in return for real property or other consideration.
- “Fair annual rental” means the amount paid for use of real property by a tenant in an open market transaction where both tenant and landlord are reasonably well informed and neither is under duress.
- “Fair market value” means the most probable price, in terms of cash or in terms of financial arrangements equivalent to cash, for which the property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller acting prudently, knowledgeably, and for self-interest, and assuming neither is under duress.
- “Firewood” means wood used for heating purposes for homes and warming fires for camping. Firewood generally consists of various types of trees and may include tops and defective portions of a tree.
- “Force majeure” means in the law of insurance a superior or irresistible force; for example, an act of God or war.
- “Forest health” means the condition of a forest area which may consider stand composition (species, age, and grade); growth and mortality rates, susceptibility to damage from insects, disease, or fire; incidence of rot, frost cracks, or other damage; or any other factors which affect forest growth and the ability of the forest to support the uses to which it is committed. Professional assessment of forest health is factored into determining harvest rates or other silvicultural practices in the area such as pre-commercial thinning, reforestation, pruning, or brush abatement.
- “Forest land” means any borough land stocked or having forest trees of any size and not currently developed for non-forest use, regardless of whether presently available or accessible for commercial purposes.
- “Forest management unit” means land that is classified as “forest management lands,” is unclassified or if otherwise classified, is suitable to be managed as part of a tract of land primarily for commercial timber harvest including harvesting, removal, or use of non-timber forest products. The land may have other multiple-use values that occur on the land and are part of the forest management plan for the forest management unit such as outdoor recreation, fish and wildlife habitat, tourism, **watershed** protection, and general health and welfare.
- “Forest Resources and Practices Act” or “FPA” means Chapter 17 (AS [41](#)), of the Alaska State Statutes to include any implementing regulations ([11 AAC 95](#)).

- “Grazing lease” means an agreement authorizing the use of borough-owned real property for the purposes of grazing domestic or semi-domestic livestock.
- “Intra-agency agreement” means any management agreement between departments of the borough general government, or between the borough general government and the Matanuska-Susitna Borough School District for the sole purpose of assigning day-to-day management of a borough facility.
- “Land” means all real property or any portion thereof, including shore land, tide land, submerged land, or resources which are part of the land.
- “Lease” means a contract for possession of land or land with improvements for a specified period of time and under specific terms in consideration of payment of rent.
- “Lessee” means the tenant in a lease agreement.
- “Lessor” means the landlord in a lease agreement.
- “Lottery” means an event at which winners are selected by a chance drawing.
- “Management agreement” means an agreement between the borough and a person wherein the borough transfers some or all of its management authority over real property to the other party.
- “Manager” means the borough manager.
- “Managing authority” means a person authorized to enter into a contract.
- “Materials” is synonymous with “earth materials.”
- “May” denotes a course of action that is not mandatory.
- “Multiple-use” means the management of all the various renewable surface resources on borough-owned land so that they are utilized in a combination which will best meet the needs of borough residents. On borough-owned land periodic adjustments in use to conform to changing needs and conditions may be made. Some land will be used for less than all of the resources, without impairment of the productivity of the land, and with consideration being given to the relative values of the various resources, but usually the combination of uses which will give the greatest dollar return or the greatest unit output.
- Natural resources. See “Resources.”
- “Natural resource management unit” (NRMU) is an assembly-designated geographic area of borough-owned land that has and is managed for multiple-use values. This includes land classified or with management intent for important fish and wildlife habitat, forest management, material, mineral, public recreation, **watershed**, and important wetlands. These units shall not include non-borough-owned land or land classified for agricultural, commercial, industrial, private recreation, or residential land.

The Matanuska-Susitna Borough Code is current through Ordinance 22-045, passed April 19, 2022.