

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON

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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Regular Meeting

12/15/2022

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- 23 = MSB Current Setback Code
- 27 = 11/17/22 FWC Memo to NPFMC
- 29 = NPFMC Cook Inlet Salmon FMP Amendment Options
- 31 = NPFMC Cook Inlet Salmon FMP Advisory Motion

Physical Location of Meeting: LLCR, DSJ Bldg, Palmer.

Remote Participation: See attached agenda.

Planning and Land Use Department - Planning Division

Cell Phone (907) 795-6281

<http://www.matsugov.us> • planning@matsugov.us

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-Assembly D-1
Peter Probasco
Jesse Sumner-Assembly D-6
Kendra Zamzow
Ex Officio – Jim Sykes

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

*Dorothy Swanda Jones Building
350 E. Dahlia Avenue
Palmer AK 99645*

December 15, 2022

REGULAR MEETING

4:00 p.m.

Lower Level Conference Room

REMOTE Participation Option:

Microsoft Teams meeting

Join on your computer, mobile app or room device

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Meeting ID: 268 740 900 39

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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 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

IV. PLEDGE OF ALLEGIANCE

- V. APPROVAL OF MINUTES
 - 1. November 17, 2022 - Regular Meeting Minutes
- VI. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
- VII. STAFF/AGENCY REPORTS & PRESENTATIONS
 - 1. Staff Report
- VIII. UNFINISHED BUSINESS
 - 1. ADF&G Fisheries/Game 2022 Season Summary
 - 2. MSB State & Federal Legislative Priorities
 - 3. Board Of Fisheries 2024 Planning-Goals
- IX. NEW BUSINESS
 - 1. MSB Setback Ordinance
 - 2. North Pacific Fishery Management Council issues
- X. MEMBER COMMENTS
- XI. NEXT MEETING DATES:
 - 1. January 19, 2023 - LLCR
- 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.

MATANUSKA-SUSITNA BOROUGH
MSB Fish and Wildlife Commission Minutes

November 17,
2022 REGULAR
MEETING 4:00

p.m.

Borough Employee Break Room

I. CALL TO ORDER

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

II. ROLL CALL – DETERMINATION OF QUORUM/LAND ACKNOWLEDGEMENT

Present:

Mike Wood
Andy Couch
Howard Delo
Larry Engel
Peter Probasco
Kendra Zamzow
Ex Officio – Jim Sykes

Absent:

Tim Hale
Jesse Sumner

Staff:

Maija DiSalvo – Planning Division Admin
Kelsey Anderson – MSB Planner
Ted Eischeid – MSB Planner, virtual
Alex Strawn – Planning Department Director

MW read the Land Acknowledgement

III. APPROVAL OF AGENDA

Moved by PP, second by HD.
Agenda approved as presented without objection.

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

- a. October 20, 2022 Regular Meeting Minutes
Moved by AC, second by LE; HD moved to amend spelling of Minutes*
Motion passed without objection

VI. AUDIENCE PARTICIPATION

1. Neil Dewitt – has board of game info if interested

2. Bill Stoltze – here to introduce Chad Padgett
3. Chad Padgett – State Director for Senator Sullivan, here to give a federal side update
4. Alex Strawn – Planning Director, here to give a staff report on upcoming Ordinance re: 75' building setbacks
5. Stephen Braund – District Senator
6. Stephanie Nowers – MSB Assembly member

VII. STAFF/AGENCY REPORTS & PRESENTATIONS

A. Legislative Report

Chad Padgett, Senator Sullivan's state director

- CP: We appreciate and recognize the work the FWC is doing, and know it's not easy to serve. Magnuson Stevens Act (MSA) reauthorization won't happen in this session. Waiting to see what happens through the election cycle and will have a better idea of legislative strategies from there; will have a new chair on the house side, which will be helpful for MSA. There are a number of action items on ports, harbors, and infrastructure (includes access). Want to know what other issues may be missing.
- HD: Do you anticipate a lot of changes to the MSA or basically the same Act reauthorized?
- CP: Expects some tweaks, but not sure yet. Corina Nichols is a subject matter expert on fisheries and would have a better idea. There may be new opportunities
- AC: There is a valley issue in the funding management of commercial fisheries and salmon weirs. There is dependence on license and stamp sales, which have been affected by covid, low king salmon counts, etc. Is there disaster money to fund weirs?
- CP: Doesn't know specifically, but there could be other funding streams to look at, such as the CARES act, etc. Will do research and loop back.
- JS: Thank you for attending. In general terms, we need more attention to fisheries because we don't have enough fish. How can we participate more at the federal level instead of only state fish and game? Coming through NOAA grant funding?
- CP: Work with tribes to bring in funding for western based and science based programs where everyone is working together; USDA is often forgotten – funding for private landowners, may pair with NRCS and state?
- BS: Most effective communication stream to get info to NPFMC? Looking for facts to back up requests, so be specific and propose solutions. Formal comment is great, resolutions are helpful, and we want AK voice even stronger on the council.
- PP: Alaskans dominate NPFMC, what do you mean about a stronger AK voice?
- CP: Appointments should be a broader group of Alaskans; it is not about the number of seats it's who and what industry.
- MW: Need cooperation to figure out what is happening in the ocean and how it relates, specifically at weirs. This could be through genetic sampling from bycatch to compare ocean vs. weirs. Would be happy to work with others to find out more about where fish are coming and going.
- CP: Currently meeting in SE and talking to researchers, they're already doing that down there. Genetic markers in pilot stream, can age fish and do a lot of research – heat wave in ocean waters are causing the genetics of salmon to begin changing and adapting. Can provide info to get into pilot program.

B. Staff Report

Alex Strawn, MSB Planning Director

- Alex spoke regarding the setback ordinance allowing structures to be built within 75 feet of a waterbody if a structural engineer designs them. December 8th the Ordinance will appear in front of the Assembly for referral back to the Planning Commission for an additional 90 days. This ordinance would grandfather in current structures.
- There was discussion around habitat implications, immediate impacts to waterbodies and water quality, and on the importance of the FWC reviewing it carefully to better understand. There was also concern about building too close to floodplains, and questions as to why there is suddenly a push to change as this has been in effect since 1973.
- Request to add this to the agenda for the next FWC meeting.

Maija DiSalvo, MSB Planning Admin

- AC: At the Salmon Symposium, there was discussion about funding in regards to infrastructure law and when possible the commission should try to put together funding requests with the tribes. There is a lot of funding available and it often does not have match requirements. Fran Seager-Boss and Kevin Toothaker (Knik) had a map showing archaeological sites and native settlements in the valley that cover the Susitna drainage, which could be a tribal tie into fisheries.
- KZ: there will be many opportunities over the next five years, but they will involve a short timeline for proposals (30 days). There may be opportunities to collaborate, but there are more things to be considered before making those partnerships. There will also be climate-related funding that ties into changes in fisheries and could potentially help with weirs.

VIII. UNFINISHED BUSINESS

1. SOA Water Reservation System

The commission will review the public record request data once staff is able to compile the information and post to the website in the next month. KZ offered that she might have a fish biologist that could help with some of the review work. It was confirmed that the Talkeetna River reservation went through as it has in the past.

IX. NEW BUSINESS

1. ADF&G Fisheries 2022 Season Summary Meeting Planning

AC moved to approve Question 1, HD seconded

AC moved to amend by adding "for Upper Cook Inlet Harvest" after "ADF&G has data", HD seconded

Motion passed without objection

AC moved to approve Question 2, LE seconded

AC moved to amend by adding "salmon" in two places: after "a finding that banned commercial" and "as simple as banning ALL," HD seconded

Motion passed without objection

LE moved to approve Question 6 and to designate it as Question 3, HD seconded

Motion passed without objection

LE moved to approve Question 4 (originally Question 3), HD seconded

HD moved to amend by adding "restoration and" after "issues facing the," LE seconded

Motion passed without objection

LE moved to approve Question 5 (originally Question 4), HD seconded
HD moved to eliminate “likely” after Commercial Divisions
Motion passed without objection

PP moved to approve Question 6 (originally Question 5), HD seconded
Motion passed without objection

HD moved to approve Question 7, LE seconded
PP moved to add “at least” after “extend the OTF for,” MW seconded
Motion passed without objection

2. Legislative Priorities for Assembly/State

AC moved to add, “Fully support the MSB’s funding priorities and request genetic sampling of Upper Cook Inlet Coho salmon.” as an addition to the FWC’s legislative priority list, PP seconded.
Motion passed without objection.

AC moved to add, “Maximize state license fees and needed appropriations to meet federal match requirements.” to the FWC’s legislative priority list, HD seconded.
Motion passed without objection.

3. North Pacific Fishery Management Council issues

AC moved to approve the updated draft letter to NPFMC, LE seconded.

There was discussion of formal consultation and becoming a cooperating agency with the MSB’s support to elevate status in future communications. Borough would request this official status on behalf of the FWC. MW will reach out to Assembly members to inquire further.

Letter will be sent to NPFMC with the following copied: ADFG Commissioner, Congressional Delegation, Assembly members, Manager and Mayor.

Letter amendments include: add “and expertise” to the last sentence after “our unique view” and to add the mission/role of the FWC at the end of the first paragraph.

Motion passed without objection.

4. Board Of Fisheries 2024 Planning

PP moved to share to cost of the war room, HD seconded.
Motion passed without objection.

AC – suggested a goal to provide a stable in-river fishery, stable commercial fishery, done in a way that we had an in river goal higher than escapement. Would like to have fish above the escapement goal that can be harvested and focus management that the likelihood of having a sustainable in-river opportunity for everyone is enhanced with fewer shutdowns.

Overall discussion was to spend a lot of time in future meetings discussing goals, and to come to

future meetings prepared with goals to discuss. Goals should involve more than one user group, deserve thought, and may need special meetings. They can't be put off for too long, and at the next meeting will start to get into the nitty gritty.

There was discussion on meeting with Wildlife division re: game. Can develop questions to discuss for the January FWC meeting, and look at scheduling a special meeting in February-April depending on capacity.

X. MEMBER COMMENTS

MW – If you have suggestions for December agenda, send to Ted and Mike

AC – Appreciate the chance to work together, smooth meeting, accommodating other point of views, and thanks to Maija

HD – Tell Ted they behaved; agree with Andy, good discussion, however game works out is good, will be good to get it started; apologies for not making it to the Salmon Symposium and would like to hear more follow up

LE – Happy Thanksgiving to everyone

PP – Echoed Larry's comment, enjoy family and friends

KZ – will develop a short summary of some of the topics that could be of interest (from symposium)

JS – thanks for all of your expertise; after we heard of water setback, have concerns; should attend upcoming meetings on Nov 22nd and December 8th and think about what will this change accomplish, as it likely won't help fish habitat

XI. NEXT MEETING DATES:

1. December 7, 2022. 5-7 PM. Special ADF&G Fisheries Season Summary Meeting, Assembly Chambers, Palmer.

2. December 15, 2022. 4 PM. Regular FWC Meeting, Lower Level Conference Room

XII. ADJOURNMENT

Meeting was adjourned at 6:29 pm



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

Date: 15 December 2022

Re: FWC Staff Report

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1. January meeting: Officer election; Assembly rep changes?

2. BOF 2024 Planning

3. MSB Setback Ordinance Update

4. North Pacific Fisheries Management Council

5. MSB Water Reservation Docs Update

6. Legislative Priorities Meeting Update

7. MISC.

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 Ph. 907.861-8606, Cell 795-6281

MSB FISH AND WILDLIFE COMMISSION**Special Meeting: Dec. 7., 2022****NOTES**

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

*Prepared by Ted Eischeid, Planner***I. INTRODUCTIONS****a. FWC/Opening Statement ~ 3 minutes**

MW made an opening statement.

b. ADF&G/Opening Statement ~ 3 minutes

Colton Lipka, Comm. Fish.

Sam Ivey, Sport Fish.

Samantha Oslund, Sport Fish

Matt Miller

c. Audience Introductions/Participation (3 min./person, chair's discretion)

Rocky ??? – 5:12 Enjoys local salmon fishing. MSB fisheries is a treasure, and understands

Robert Howard. Long time resident; served on MS trails committee and other work; active in local fisheries; wants effective management of sensitive habitats.

Gabe Kidder, Wasilla. Avid fisher and wants to learn more.

Forrest Bowers, ADFG.

Layla Lesley, MSB Finance.

Dan Marr, MSB staff.

Neil Dewitt.

Gerri Sumpter, Sen. Murkowski's staff.

Trevor Roman

Steve Braun, NDSNA

Eric Booton, TU

Mark Lamoreaux, ENV

Jessica Weinstaffor, CNV

Pete Imhoff.

Paul Warta

Laura Pet... CNV

Dan Suprak, AK Charters, might have a question later.

II. PRESENTATIONS

a. Staff

Ted

b. ADF&G

1. Commercial Fishing 2022 Notable Highlights & Observations ~ 5 minutes

Colton: Gave a summary at 5:29 PM.

See UCI written summary.

2. Sport Fishing Fishing 2022 Notable Highlights & Observations ~ 5 minutes

Sam Ivey gave a summary. 5:32 PM.

III. ITEMS OF BUSINESS

a. FWC/ADF&G Dialogue On Mat-Su Fisheries/FWC Questions ~ 60 Minutes

Q. 1 – Andy Couch: How do you generate these figures, and how weirs and genetics are used in this analysis?

Colton: our head research biologist compiled this, but I can't answer the question. I can get back to Andy and the FWC on this with a followup email.

AC: I see "total run", but I'm wondering how you determine that. I assume the harvest if via genetics, whereas the total run number is from weirs. Is that correct?

Forrest: The three weirs represent about 40% of the sockeye run.

AC: if those three weirs are 40%, what is the impact of losing Chelatna?

Forrest: It means greater uncertainty in our data; means we have to estimate more, will have less confidence.

PP to Forest: What is the future for the Chelatna weir?

Forrest: Susitna salmon assessment is a priority for ADFG.

Kendra to Forest: Is the genetic work also a priority?

Forrest: Yes, we sample the commercial fishery.

MW: At BOF 2020 we strengthened the CC concept, along with eliminating the SOY concern for Suistna Sockeye; ADFG said they would manage this area conservatively; I felt that the Dept. did this and deserves to be complimented for that conservative management.

Trevor: What can we do to get the Chelatna weir back?

Forrest: speak to the SOA legislators.

Trevor: this Chelatna data, along with other data technology like sonar is critical for better inseason management.

Steve: What does the typical weir cost per season?

Forrest: \$4—100 thousand dollars.

Steve?: and weir blowout issues?

Q.2: PP:

Forrest: active litigation so we can't comment much; gave some background on the issue; noted that FWC submitted a letter to NPFMC; they will take up CI salmon management on Saturday afternoon; and they have developed a discussion paper on this issue. 5:57 PM.

PP: How do we get the discussion paper NPFMC generated and up to speed?

Forrest: They are not taking final action this weekend; it's a good time to listen in on Saturday afternoon/Sunday on the Salmon issue; there is an accelerated timeline.

PP: did ADFG play much role in the discussion paper, or was it just comm fish?

Forrest: We did provide quite a bit of feedback; the Commissioner is highly engaged; there are presently four alternatives in the discussion paper, but that could change.

HD: What is so complex about this issue for those of us on the outside?

Forrest: This is a complex issue, and salmon fisheries is incredibly important to SOA; proposed joint state-federal salmon management here is very complex, feds don't have EO powers the SOA does;

PP: Thanks Forrest for that answer, and I concur; you worked on shellfish fishery in Dutch Harbor, so is that fishery the model SOA would use to manage salmon in CI EEZ?

Forrest: that is one of the alternatives.

Q3: HD read this.

Colton: restated their written answer.

PP: does that mean that the fleet can go into the EEZ in 2023?

Colton: there were some limited openings in the EEZ .

Layla Lesley: what are the pros and cons of having the federal government manage the CI EEZ fishery?

Forrest: from SOA perspective we believe that state management is sustainable and responsive to local citizen needs, and we don't think we need federal oversight to do this effectively.

HD: the territory to state motivation was to give local control to fish and game management that state status would allow.

Q4: Samantha read the ADFG response.

Kendra: is ADFG working on identifying funding sources that addresses this issue?

Sam: We provide land use comments, and also work closely with the Salmon Habitat Partnership; we do have staff that are habitat-centered.

Andy: we learned at the last SS that there was a great opportunity for tribes to leverage grant funds. Had ADFG done any outreach in this area?

Forrest: we do collaborate with tribes on projects throughout the state; we would certainly be open to UCI tribes.

Robert Howard. : I'm glad to hear about more federal monies. I've concluded that we don't seem to have the tools for manage for sensitive habitats; ADFG can only issue permits up to the HWM, so much habitat has not been appropriately managed; MSB has erred in planning a trail through the Moose Range wetlands; the Jonesville Moose Range plan is modeled after the Knik River PUA plan; I think the Jonesville plan is in error, and that the ecosystem is much more than simply up to the HWM; there's no money or enforcement allocated for the Jonesville plan; habitats are being impacted despite efforts to protect specified areas, and I have documented some of the impacts on these areas; what can we do to improve the situation with many agencies being siloed and not interacting properly to protect intact ecosystems? [the current system doesn't work for individuals]

PP: the number one issue impacting the MSB now is habitat quality and quantity; for example, the MSB is considering reducing its current waterway setback requirements.

Tom Adams, MSB Public Works Director: I do want to acknowledge the close collaboration MSB has with ADFG on fish passage projects; on land use in the MSB, I see the impacts, and other staff members are aware of these impacts; we need to address some of these issues as a borough.

Kendra: Habitat: on the third bullet on climate change, does ADFG have any plan to monitor key areas for cold water refugia?

Sam: 6:31.

MW: we are always talking about habitat issues. MSB is likely to be the “canary in the gold mine” for fisheries; as the world gets more populated, not all our problems in fisheries are in the immediate land/freshwater conditions (chinook reduced return to Bristol Bay is not a freshwater habitat issue); when will the feds help us understand what is happening to our reduced chinook returns?

Forrest: we share those concerns; some initiatives we are working on related to this is a project on marine survival, an international collaboration on the “international year of the salmon” and associated work on salmon in the high seas, encourage you to look at the NPFMC anadromous fish website; we been looking at Bering sea chnoon survival.

Gerri from Murkowski’s office: will send Ted info on a proposed SB 3429 Ak Salmon Research Task Force Act. [S.3429 - 117th Congress \(2021-2022\): Alaska Salmon Research Task Force Act | Congress.gov | Library of Congress](#)
[SULLIVAN AND MURKOWSKI INTRODUCE ALASKA SALMON RESEARCH TASK FORCE ACT \(senate.gov\)](#)

LE: Q-5.

Sam: 6:41 PM answer; sport fish has had some projects cut back;

Colton: restoration of the mark/recapture of yentna fish in conjunction of full use/funding of the Chelatna weir would remove uncertainty.

PP: Genetic M/R studies can be expensive, how can you use this information?

Colton: it can be used to calculate the total run.

PP: Cost?

Colton: will \$200-300 thousand range.

LE: One common issue is why are escapements declining rather than improving?

Now we have been losing our weirs due to budget shortfalls, but we all know that assessment programs are key to good management. This is a top priority for the FWC. Could you provide us with a budget request for these weir projects so that we could work with our MSB state legislators to lobby for some of these funds; Please provide some specifics on your needs in this area so we can advocate for this.

Sam: I'll update some weir budget numbers and pass this onto Ted for FWC distribution.

Marc L. – we'd be happy to work jointly with FWC on Jim Creek issues. [AC has some information on this]

AC: Sam said he'd get us some weir funding info from sport fish, but could we also get some weir estimates from comm fish?

Q6 – MW read.

Colton: we don't have anything on this yet that would impact MSB waters; some important dates is that deadline for proposals will be April; our ADFG staff are available to help write proposals and regulatory language. [6:56 PM] Lipka, Colton G (DFG)

colton.lipka@alaska.gov feel free to reach with questions and assistance with BOF

Forrest: referred back to S... 6:54

MW – 6:57; given that many fisheries for kings are getting shut down, what plans does the Dept. plan to study this issue?

Forrest: The Kodiak salmon fishery is primarily a pink salmon fishery; 6:58 PM;

Q7: Kendra.

Sam: 7:03 PM.

Colton: OTF comment.7:05.

AC: 7:09 PM

Colton:

Sam:

Paul Worta: 7:10 PM.

Sam:

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

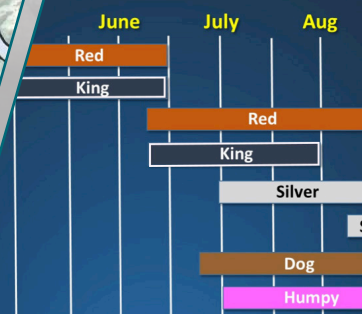
It Takes Fish To Make Fish

2020

The Corridor is Working – Refine It



Timing of Salmon in UCI



Matanuska-Susitna Borough Fish and Wildlife Commission

MSB Fish and Wildlife Commission



Matanuska-Susitna Borough Fish & Wildlife Commission: Left to right: front, Assembly Member Howard Delo, Larry Engel, Amber Allen, Assembly Member, Tamara Boeve. Assembly Member, Dan Mayfield, Chair: Mike Wood, Andy Couch

Our Experience

- 8-member volunteer board, appointed by the Mayor, including two Borough Assembly Members
- 12 years of combined experience on the Alaska Board of Fisheries with three years as Chair, 70+ years of combined expertise as State biologists, 35+ years combined experience as fishing guides and nine years as a commercial setnetter
- Directed \$9.5 million in Borough, State, and Federal appropriations toward science, genetic research, and fish passage improvements

Our Goals

- Enhance the Conservation Corridor in the Central District Drift Gillnet Fishery Management Plan in July and early August (Proposals 129, 133) with mandatory area restrictions to regular fishing periods.
- Continue protection for identified Stocks of Concern – particularly Susitna Sockeye.
- Increase inriver returns of coho salmon to Northern Cook Inlet river systems by establishing an orderly transition from sockeye management to coho management.
- Adopt Chinook (King Salmon) management plans and strategies that address early run King salmon in the Northern Cook Inlet (Proposals 199, 215, 217, 219)
- Personal Use Fishery: Maintain or extend personal use fishing opportunity for Alaskan residents of the Northern Cook Inlet who choose to harvest salmon with net gear. (Proposal 234-238)
- Establish inriver or OEG (Optimal Escapement Goals) for salmon escapement in the Northern Cook Inlet

Recommendations

The Commission recommendations to the 2020 Board of Fisheries

1. Enhance the Conservation Corridor in the Central District drift gillnet fishery—it is working as designed

The Conservation Corridor provides strategic time and area closures in the center of Cook Inlet and expands use of terminal fishing areas based on abundance of the Kenai and Kasilof sockeye. Following corridor adoption, significant increases were observed in sockeye and coho salmon runs to the Mat-Su, local sport fisheries and escapements. The uptick in salmon numbers is part of what we, the Commission, were asking for when the 2014 Alaska Board of Fisheries adopted the current drift gillnet fishery management plan.

2. Continue to protect Stocks of Concern—particularly Susitna sockeye

Susitna sockeye are currently a Stock of Yield Concern. Continuing declines and chronic escapement failures also qualify this stock for listing as a stock of management and conservation concern. Susitna sockeye are tremendously diverse but inherently less productive than Kenai and Kasilof populations which drive Upper Cook Inlet commercial fisheries. Freshwater productivity of Susitna sockeye also appears to be declining. The combination of declined productivity and continuing high harvest rates are a recipe for extinction. Freshwater production problems are imperative for limiting exploitation, not an excuse for continued over fishing in the mixed stock commercial fishery.

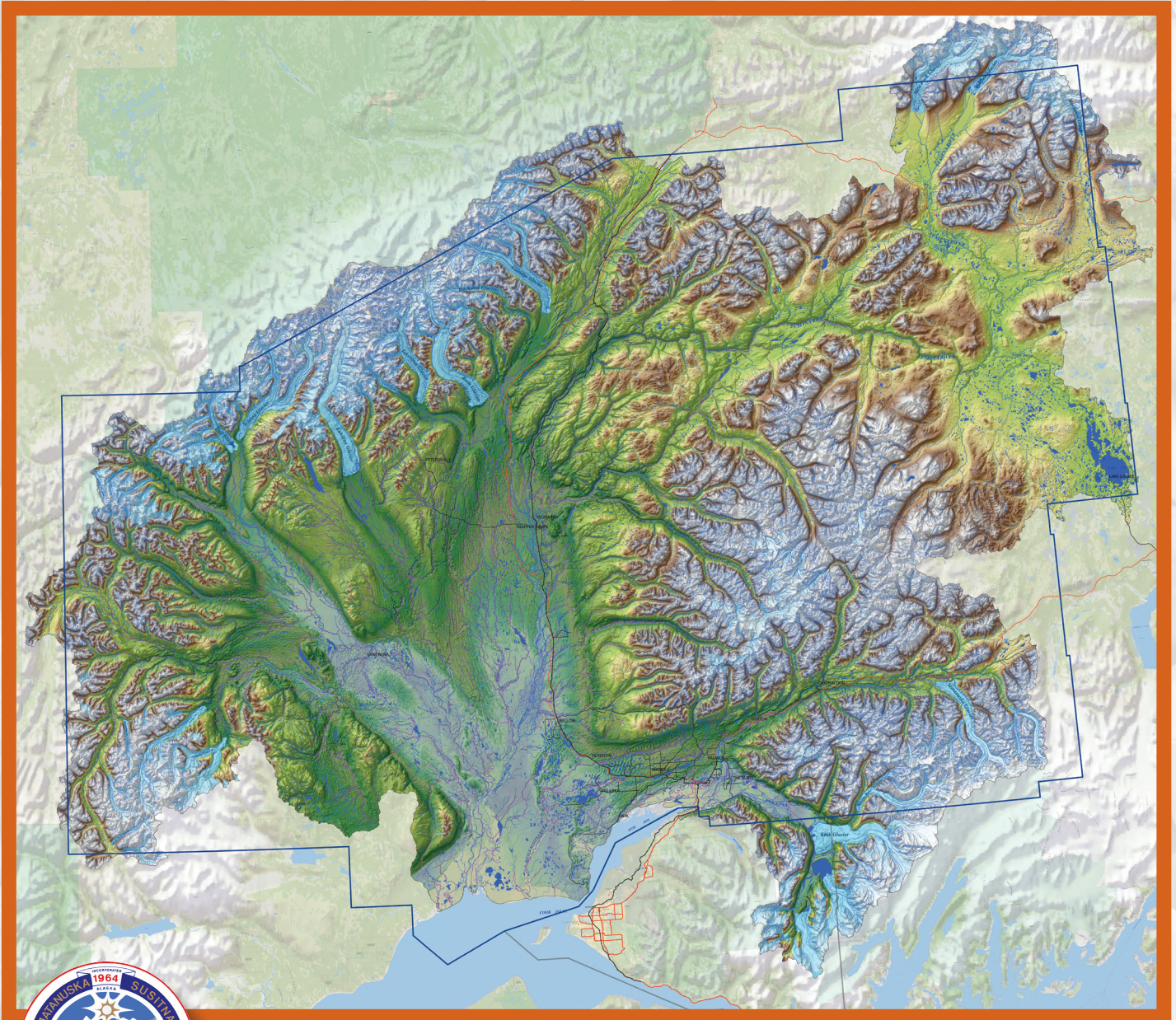
3. Limit commercial drift gillnet fishing in August to avoid excessive coho harvest

Most of the commercial drift gillnet fishery is closed by regulation in August when less than 1% of the season's total sockeye harvest is caught on two consecutive fishery openers. This rule provides exhibitory to extend the commercial fishing season when the sockeye run is late and significant numbers continue to be available for harvest. The rule also ensures that commercial harvest of sport-priority coho and Kenai kings is limited after the sockeye run winds down. This closure rule, as adopted, was meant to be absolute except as otherwise provided under the commissioner's authority to manage to meet escapement goals as a first priority.

4. Continue to provide robust personal use opportunities where stocks permit

Over 25,000 to 30,000 households now participate in the UCI personal use fishery, harvesting approximately 325,000 or more sockeye salmon for the period 2013 to 2018, primarily from Kenai or Kasilof rivers. The majority of participation comes from residents of areas outside the Kenai Peninsula including the Mat-Su as other regional personal use opportunities are quite limited. The Commission supports maintaining and enhancing personal use fishery opportunities wherever possible. Commercial fishery limitations including closure "windows" are essential for delivering fish to the rivers when sockeye are running. The Commission also supports proposals to increase inriver goals for Kenai late-run sockeye for consistency with current inriver harvest levels.

The Matanuska-Susitna Basin



The Nature Conservancy

**Designed by Mat-Su Borough Public Affairs
Stefan Hinman
with the MSB Fish & Wildlife Commission, Ted Eischeid & Karol Riese
Maps by Heather Kelley & Carla Goers, GIS**

Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, Alaska 99645

Current MSB Code: Setbacks

12/9/2022

17.55.005 GENERAL.

This chapter establishes minimum structural setbacks from lot lines, water courses and water bodies, rights-of-way, and specific screening easements for certain lands within subdivisions in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(Ord. 03-053, § 2, 2003; Ord. 88-190, § 3 (part), 1988)

17.55.010 SETBACKS.

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb; or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not. Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(Ord. 11-159, § 2, 2011; Ord. 11-019, § 2, 2011; Ord. 93-042, § 2 (part), 1993; Ord. 88-190, § 3 (part), 1988)

17.55.015 Shorelands; definition. [Repealed by Ord. 17-088(SUB), § 3, 2017]

17.55.020 SETBACKS FOR SHORELANDS.

(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

(a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;

(b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;

(c) not have more than incidental accessory access to a street or driveway; and

(d) not be usable as a garage or habitable structure without significant alteration.

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a “structure” is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. The planning commission shall require this distance be increased where necessary to protect waters within the borough.

(Ord. 17-088(SUB), § 4, 2017: IM 96-019, page 1, presented 3-19-96; Ord. 93-095, § 2, 1993; Ord. 93-042, § 2 (part), 1993; Ord. 90-052, § 3, 1990; Ord. 88-190, § 3 (part), 1988; initiative election of 5-5-87)

17.55.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB [1.45](#).

(Ord. 95-088(SUB)(am), § 26 (part), 1995)

MATANUSKA-SUSITNA BOROUGH

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Jesse Sumner

Kendra Zamzow

Ex officio: Jim Sykes**MSB FISH AND WILDLIFE COMMISSION****Memorandum**

11/17/2022

Dear NPFMC,

As a result of the court directing the North Pacific Fishery Management Council to develop a new management plan for the EEZ waters of Cook Inlet salmon fishery, the Matanuska Susitna Borough Fish and Wildlife Commission is respectfully requesting our involvement in this process.

The MSB Fish and Wildlife Commission was formed in February 2007 to represent the interests of the Borough in the conservation and allocation of fish, wildlife and habitat. The commission advises the MSB Assembly and the State of Alaska Boards of Fish and Game regarding fish and wildlife practices and policies that affect the Matanuska-Susitna Borough.

The "Commission" has been a strong voice in the management of the Cook Inlet Commercial Salmon fishery since 2007. The Commission has played an active role in the inception of the "Conservation Corridor" that allows Northern District bound salmon to migrate unimpeded to spawn in the rivers of the Matanuska- Susitna Borough. The Cook Inlet fishery is unique because of its magnitude of discrete fish stocks in this mixed stock fishery. In the following months leading to the 2024 fishing season the Commission would like to participate in the decision making process and lend our unique view and expertise from the headwaters of the funnel known as Cook Inlet.

Thank you for your consideration.

Sincerely,


Mike Wood, Chair

Contact:

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North Pacific Fishery Management Council

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C3 Cook Inlet Salmon FMP Amendment

December 2022 Council Meeting

Action Memo

Council Staff: Nicole Watson

Other Presenters: Doug Duncan (NMFS) – project lead, Marcus Hartley (Northern Economics), Dr. Mike Downs (Wislow Research)

Action Required: 1. Review the Initial Review Draft of the EA/RIR.
2. Affirm the suite of provided alternatives are appropriate.

BACKGROUND

The North Pacific Fishery Management Council (Council) is considering an action that would amend the *Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska* (FMP) to manage the salmon fisheries that occur in Federal (EEZ) waters of Cook Inlet. The Initial Review Draft of the EA/RIR prepared for this action is posted to the agenda and describes and analyzes the impacts of the four management alternatives under consideration by the Council.

The Council passed a motion at its October 2022 meeting with a purpose and need to develop an analysis for a new amendment to the Salmon FMP for initial review at the December 2022 meeting. The Council requested that staff update the previous final review draft considered by the Council in December 2020 to reflect recent events and identify possible variations on the alternatives analyzed in that document that meet the new purpose and need. In response to both the 2016 Ninth Circuit ruling and the 2022 summary judgment opinion of the Alaska District Court in *UCIDA et al. v. NMFS*, the Council is now considering new management measures and modified alternatives that comply with Magnuson-Stevens Act requirements for the Cook Inlet salmon fishery in the EEZ, such as status determination criteria, annual catch limits, and accountability measures.

At this meeting, the Council will review the analysis and determine whether any adjustment is required to the alternatives under consideration. This amendment is being considered under an accelerated timeline, in order to be responsive to the District Court.

Purpose and Need

The Council intends to amend the Salmon FMP to manage salmon fishing in the Federal waters of upper Cook Inlet. Federal management must be consistent with the Magnuson-Stevens Act, including the required provisions for an FMP specified in section 303(a). This proposed action is necessary to bring the Salmon FMP into compliance with the Magnuson-Stevens Act consistent with the 2016 Ninth Circuit decision and the recent summary judgment opinion of the Alaska District Court in *UCIDA et al. v. NMFS*.

Alternatives

In response to the District court's order and the previous Ninth Circuit ruling, modifications to two alternatives included in the December 2020 final review draft have been proposed. Possible variations on options for Alternatives 2 and 3 may also help address issues previously identified in public comment and Council discussion regarding the burden of the annual management cycle and introduction of new management uncertainty with the application of Federal management. No modifications have been made to Alternative 1 (No Action) as it is required under NEPA for analytical purposes nor to Alternative 4 (the Council's previous preferred alternative in December 2020, implemented as Amendment 14 to the FMP), as it was found contrary to law.

Alternative 1: No Action. No amendment to the Salmon FMP. This alternative would maintain the existing management regime, which excludes the Cook Inlet EEZ and the commercial salmon fishery within it from Federal management under the FMP. Alternative 1 is not a viable alternative given the 2016 Ninth Circuit decision, however, NEPA requires that Federal agencies analyze a no action alternative.

Alternative 2: Federal management of the fishery in the EEZ with specific management measures delegated to the State. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit and establish a Federal management regime for the salmon fishery that delegates specific management measures to the State of Alaska, to use existing State salmon management infrastructure, in compliance with the MSA and Ninth Circuit ruling. Alternative 2 would identify the management measures that would be managed by the Council and NMFS, the management measures that would be delegated to the State to manage with Federal oversight, and the process for delegation and oversight of management.

Alternative 3: Federal management of the fishery in the EEZ. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit and apply Federal management to the salmon fishery that occurs in the EEZ.

Alternative 4: Federal management of the commercial fishery in the EEZ with the EEZ closed to commercial fishing. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit in the West Area and apply Federal management by applying the existing West Area prohibition on commercial salmon fishing in the EEZ to the Cook Inlet EEZ. Although this was the Council's Preferred Alternative in 2020, Alternative 4 is not a viable alternative given the 2022 District Court opinion.

A detailed summary of the Alternatives and associated elements can be found in Table ES-1 included in the Executive Summary of the draft EA/RIR provided for review.

Advisory Panel
C3 Motion
December 2022

ADVISORY PANEL
Motions and Rationale
December 6-9, 2022 - Anchorage, AK

C3 Cook Inlet Salmon FMP Amendment

The AP recommends the Council move the Cook Inlet Salmon FMP Initial Review analysis forward for Final Action with updates as identified by staff.

Motion passed 16-0

Rationale:

- *As currently presented, the analysis is sufficient for decision-making amongst the viable action alternatives. Additionally, moving the document forward for final action takes into account the court-mandated timeframe for FMP implementation.*
- *Adoption and implementation of a Federal Salmon FMP for Cook Inlet continues to be a highly complicated issue that involves meshing federal and state fishery management requirements. Salmon do not easily fit into the same type of management scheme as groundfish given their unique life history.*
- *The majority of public testimony received hesitantly supported Alternative 2 as the PPA while noting that modifications were needed in order to make the Alternative more workable within federal standards. However, specific modifications to the Alternative were not brought forward for consideration. As such, a PPA was not included as part of the motion. Having concrete suggestions for potential modifications to Alternative 2 would allow them to be incorporated into the analysis for consideration by the AP and Council at the time of final action, which would allow for selection of an alternative that best supports the needs of commercial and recreational salmon fisheries in Cook Inlet.*