

**MSB FISH AND WILDLIFE COMMISSION**

**Regular Meeting: May 18, 2023**

**Minutes**

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

**Minutes prepared by Ted Eischeid, Planner**

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**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:**

**Andy Couch: AC**

**Howard Delo: HD**

**Larry Engel: LE**

**Pete Probasco: PP**

**Kendra Zamzow: KZ**

**Mike Wood: MW**

**Jim Sykes: JS**

**Absent:**

**Rob Yundt**

**Excused:**

**Tim Hale**

**Quorum established.**

**MW read the 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**

**Moved by HD; seconded by LE .**

**PP amendment NPFMC to immediately after Audience Participation; LE.**

**Motion passed without objection.**

**IV. PLEDGE OF ALLEGIANCE**

**V. APPROVAL OF MINUTES**

**a. April 20, 2023 Regular Meeting Minutes.**

**Moved by LE; second by HD**

**Corrections: NONE**

**Motion passed without objection.**

**VI. AUDIENCE PARTICIPATION (three minutes per person, for items not scheduled for public hearing):**

1. Maija DiSalvo, Staff
2. Bill Stoltze, MSB
3. Neil Dewitt
4. Alex Strawn, Staff
5. Stephen Braund, Northern District Set Netters Association.
6. Melissa Heurer, Susitna River Coalition
7. Gabe Kitter

## VII. STAFF/AGENCY REPORTS

### A. Staff Report – Waterbody Setback OR 23-049 – Alex Strawn

Prepared OR 23-049, a revision requested by Mr. Tew, after OR 23-003 was tabled.

Summarized OR 23-049: see red p. 53;

Allows people to build within 75', but not within 25'; does not apply to septic; only applies to lakes, not streams where 75' setback is retained;

Requires developer to hire a qualified professional, to create plans and specifications, subject to review by MSB, has requirements to treat runoff;

p. 56: eliminated D in old ordinance; closes the "commercial building loophole".

Discussion:

PP: p. 56, meaning of F1... "mandatory landuse permit..."? AS: This addresses a change from 2011.

PP: how enforced? AS: no robust history of enforcement, but it does provide an avenue for compliance.

HD: I understand an ordinance that allows for an avenue to compliance for illegal structures, but don't understand the need for new construction component? AS: IM doc says 75' alone as a buffer is not enough, you need a riparian buffer; what this does, if you are closer than 75', you must actually create and implement a plan to treat runoff, which is more robust than a simple setback. HD: It sounds like allowing closer construction would encourage construction closer than 75', and that concerns me.

HD: what penalties are involved? AS: \$150/300/500 per day is typical for land use violations; HD: has this ever been done? AS: with junk violations, yes.

MW: Point of order, maybe discuss comments on agenda item.

AC: Concurs with HD, but this does provide a path to compliance for noncompliant structures.

PP: What is the financial burden to MSB? AS: none anticipated, accomplished with present staff; other permit processing would be slowed down.

LE: This issue has really bothered me, the history of the changing goal posts, the lack of enforcement, etc. This history does not give me confidence in this new proposal; AS: the many setback violations has also bothered me; if we fully enforce present code, we'd have to write over 750 citations, which would result in a huge backlash; LE: just seems to me that the current violations should be held accountable somehow.

HD: do you have qualified staff to review engineering plans? AS: yes, we do have civil engineers in Public Works who could review any permit applications received;

PP: One thing missing is the maintenance component; AS: it does, see F3 on p. 56.

HD: what would happen if this only applied to present noncompliant structures and not allow new construction?

**B. Staff Report – Ted Eischeid**

1. Waterbody Setback update
2. NPFMC Update – Work Group
3. BOF Update – FWC Booklet Work Group
4. SHP SC Update
5. ADF&G Game Season Summary Meeting June 1 at 5 PM, Assembly Chambers.
6. Mileage expense reports due by June 1 for the July 2022-June 2023 fiscal year.

**VIII. UNFINISHED BUSINESS**

**1. NPFMC – North Pacific Fisheries Management Council**

**AC moved to approve comments on blue p. 17 of supplemental handout; PP seconded.**

Discussion:

AC wanted some changes;

PP moves add verbiage to last paragraph on page 1, last line, reworking the sentence by adding after the word “Kenai” this verbiage by substitution for the remainder of that sentence: “and Kasilof rivers and the associated areas; other Upper Cook Inlet streams are significantly different in character and fish productivity than the Kenai, affecting the ability to rebuild stocks of concern and affects what can be sustainably harvested.”

AC seconds.

Amendment passes unanimously.

PP moves: On the second paragraph, Comment p. 1, handout page 17, the section subtitled “Conservation Corridor development, to strike the last sentence that says: “The Central District drift fishery drives Northern District fisheries.” ; HD second.

Amendment passes unanimously.

AC moves to amend first paragraph, last sentence, strike “ ...are important subsistence users. HD second.

Amendment passes unanimously.

JS moves to change title from NFMS to NOAA; AC second.

Amendment passes unanimously.

**Motion passes unanimously to present comment statement as amended.**

**2. ADF&G Game Season Summary Meeting Planning.**

PP moved to accept. AC second agenda on p. 15/16.

Motion passes without objection.

**IX. NEW BUSINESS**

### 1. Waterbody Setbacks draft OR 23-049

AC: any public comment?

Melissa H: some concern this won't stop future violations; with present violations we need strong enforceable rules; I hope the FWC will make stronger recommendations to the PC.

MW: I have a hard time giving violators a free pass;

LE: Should we support this new Ordinance?; I don't support it as written;

KZ: I like the new resolution as a solution to noncompliance, but not to apply to new construction which I would say should still require 75' setback and a buffer.

PP: I appreciate the work AS and staff has done; but the recommendations the FWC made in RS FWC 23-01 were not followed much; I would recommend that we rewrite a RS FWC 23-03 and oppose draft OR 23-049 and suggest the Assembly postpone this work, form a working group, and make this better.

MW: I feel draft OR 23-049 is moving too quickly, agree with PP and KZ;

AC: RS FWC 23-01 point 1 and 6 highlighted;

LE: This is an important issue that we need to continue to work on.

KZ: New section F... just add word "existing" in front of "structures" would make this better.

**LE: Moved changes to RS FWC 23-03 See blue p. 24: second line, replace "supports" with "opposes"; Add after the second line: "Be it further resolved the FWC recommends a work group be formed to work on this issue including Assembly members, PC members, MSB staff, and FWC members; AC second.**

**Motion passes unanimously.**

**PP: the FWC member MW or KZ testify before the PC on June 5<sup>th</sup>; AC seconds.**

**Motion passes without objection.**

### 2. BOF 2024 Planning

Bill Stoltze would like to volunteer to help the BOF work group.

Volunteers: LE, HD, AC.

**Moved: by PP that LE, HD, AC, help with BOF Booklet; LE seconded.**

**Motion Passes.**

### 3. FWC Interface with Mat-Su Basin Salmon Habitat Partnership

PP will sit in for the remainder of 2023; AC would like to serve as an alternate;

## **X. MEMBER COMMENTS**

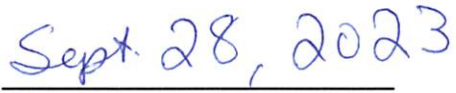
1. PP: congratulates MW on BOF appointment.
2. LE: Thanks Ted and Maija's work supporting the FWC.
3. HD: Thanks many FWC members; concerned about FWC members who consistently miss meetings, especially our Assembly representatives - their political guidance is needed. Is this something we want to communicate to our Assembly representatives?
4. AC: appreciates everything.
5. Ted: Got a new Lab puppy today, his name is Seamus.
6. MW: miss seeing everyone; I was confirmed by the BOF by the Legislature; once I know more from BOF on what to do I'll let you know what's up.

XI. NEXT MEETING DATE: Thursday, June 1, 5 PM, Assembly Chambers, Rear Half.

XII. ADJOURNMENT  
**Moved by PP, second LE.**  
**Motion passes unanimously.**

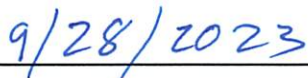
*Meeting stands adjourned at 6:06 PM*

  
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Andy Couch, FWC Vice Chair

  
\_\_\_\_\_  
Dated

ATTEST:

  
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Ted Eischeid, Planning Division Staff

  
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Dated