

# MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

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# FISH AND WILDLIFE COMMISSION

## *Supplemental Handout – TABLE OF CONTENTS*

### *Regular Meeting*

*11.16.2023*

- 1 = NMFS Amendment 16 - Draft Comments
- 4 = NMFS Amendment 16 - JS Comments
- 6 = BOF DRAFT Booklet
- 36 = KZ Jonesville/MR Personal Comments
- 46 = Beaver Meadows - NW Public Comment
- 47 = IFR Reply from ADF&G
- 50 = IFR Reply from DNR

Physical Location of Meeting: Employee Breakroom,  
DSJ Bldg, Palmer. Remote Participation: See agenda.

Planning and Land Use Department - Planning Division

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Ms. Gretchen Harrington  
Assistant Regional Administrator  
Sustainable Fisheries Division  
Alaska Region, National Marine Fisheries  
P.O. Box 21668  
Juneau, Alaska 99802-1668

Re: Fisheries of the Exclusive Economic Zone Off Alaska; Cook Inlet Salmon; Amendment 16

Dear Ms. Harrington,

The Matanuska Susitna Borough Fish and Wildlife Commission (FWC) represents the interests of the Borough in the conservation and allocation of fish, wildlife and habitat. Specifically, the FWC advises borough officials, state or federal agencies and other organizations with interests that may affect conservation of fish, wildlife, and habitat across an area the size of West Virginia. Within this area, there are commercial and sport fisheries, residents use dipnets for a personal use fishery and four indigenous communities —Tyonek, Knik, Eklutna and Chickaloon -- engage in subsistence, educational, or personal use fisheries. The members of the FWC combined bring well over 150 years of experience managing fish and wildlife resources within Alaska.

After reviewing the National Marine Fisheries Service's proposed Amendment 16 establishing a Federal managed fishery for all salmon fishing which occurs in the Cook Inlet EEZ, the FWC is quite concerned with the proposed management plan and offer the following comments.

Specifically, we believe the plan as proposed falls well short of providing the necessary fishery management objectives which have been established through the State of Alaska Board of Fish (BOF) process. The Central District Drift Gillnet Fishery Management Plan developed through the BOF process provides crucial time and area restrictions to harvest the abundant Kenai and Kasilof Rivers sockeye salmon, while still allowing for area restrictions which move smaller and less abundant migrating salmon stocks into the Northern District and the Upper Cook Inlet rivers and streams. Matanuska Susitna Borough streams and rivers are part of the Upper Cook Inlet system, and all salmon bound for Matanuska Susitna Borough move through Cook Inlet. The "conservation corridor" as outlined in this management plan has proven to be a key element in moving fish bound for the Upper Cook Inlet through the Central District. Recognizing the fact that these Upper Cook Inlet stocks are much smaller and in many cases are currently not meeting escapement objectives, necessitates there is a need to maximize the protections offered through this management plan and the subsequent "conservation corridor". The ability of the drift gill net fleet fishing in the EEZ to harvest large numbers of salmon, e.g., potentially harvesting 300,000 salmon per opening as noted Amendment 16, causes concern. Especially when this potential could be realized during the critical period (July 15 to August 15) of moving fish through the Central District. The Amendment 16 proposes two 12-hour periods each week on Monday from 7 a.m. until 7 p.m. and Thursday from 7 a.m. until 7 p.m. As stated in the proposed Amendment 16, *"Fishing at a rate to fully harvest the most abundant stocks would likely result in overfishing on these weaker or less abundant salmon stocks...the State has reduced the number of drift gillnet fishing periods in Cook Inlet EEZ waters after July 15 to minimize mixed stock harvests."*

**Commented [KZ1]:** Suggest adding the number of acres or square miles here. "...and habitat across xx square miles, an area the size of West Virginia."

**Commented [KZ2]:** Non-residents participate in these

**Commented [KZ3]:** Chickaloon has a fish wheel in the Copper Center area, but I don't think they have any subsistence nets in the MSB. I think Kenaitze has an educational subsistence net on Cook Inlet that Chickaloon might participate in if they are invited, but I'm not sure about that. The Chickaloon tribal citizens I know that fish in the MSB use dipnets or sportfish gear.

The proposed two 12-hour fishing periods per week after July 15 would actually increase fishing time during the critical period as earlier described and could result in a greater harvest of northern bound salmon, resulting in fewer fish reaching this area.

The FWC recommends for the period from July 15 to August 15 to allow only one 12-hour fishing period per week. This strategy recognizes a number of factors stated in the proposed amendment;

- 1) Annual catch limits (ACLs) cannot be reliably determined for each stock or stock complex due to the scientific and management uncertainty for the weaker and less abundant salmon stocks, especially those stocks bound for Upper Cook Inlet, therefore Total Allowable Catch (TAC) is to be the management target. Determining a Total Allowable Catch (TAC) for the EEZ waters would be skewed more towards the more abundant and stronger salmon stocks and potentially allow for an over harvest of the smaller and weaker stocks.
- 2) Because of the mixed-stock nature of the fishery, stocks would be harvested after the TAC has been reached. Therefore, a TAC for EEZ waters for the first 5-6 years must be established conservatively due to the fact that the existing data on harvests in the EEZ are estimates based on data that never differentiated between salmon harvested in State waters and those harvested in the EEZ.
- 3) Timely in-season escapement data for Upper Cook Inlet salmon stocks are not possible. This is due to the fact that enumerating fish migrating into these rivers and streams occurs well after fish being harvested in EEZ waters.
- 4) In order to establish a reliable TAC based on the proportional contribution of each stock to this fishery, better data must first be established which would include in-season genetic data and more robust escapement data for salmon stocks of Upper Cook Inlet.
- 5) NMFS abilities to make timely in-season management decisions is severely hampered by the process they are required to adhere to. The State of Alaska, Alaska Department of Fish and Game (ADF&G) has proven since statehood, that salmon in-season management requires quick and timely management decisions. As is currently required, to implement an in-season adjustment NMFS must publish a temporary rule in the Federal Register, requiring a public comment period. This process does not allow NMFS to make timely daily management decisions often required to manage commercial salmon fisheries.
- 6) The NMFS recognizes that it will take time to refine application of their existing management tools as it develops management expertise and collects better data over time. Because of this a more conservative management approach must be implemented.

The FWC recognizes that due to the rulings from the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court for the District of Alaska, the NMFS must establish a Fishery Management Plan for the EEZ waters of Cook Inlet. The FWC also recognizes that this fishery would be best managed by ADF&G and not divided by two separate agencies. However, based on decisions made in the past this is not possible. The FWC is committed to working with both ADF&G and NMFS in the development of the best Fishery Management Plan for the EEZ waters. It is imperative to realize that the development of a new Fishery Management Plan in one of Alaska's most complex salmon fisheries requires from the onset a very conservative approach. The FWC encourages the NMFS and the Council to give this serious consideration in this new

endeavor.

Sincerely,

Andy Couch, Chair  
Mat-Su Borough Fish and Wildlife Commission

Recommended cc's

Edna Devries, Mayor, Matanuska Susitna Borough  
Mike Dunleavy, Governor, State of Alaska  
Doug Vincent-Lang, Commissioner, State of Alaska, ADF&G

DRAFT

Jim's raw thoughts on the draft letter.

I haven't had time to edit the excellent letter, but here's a few thoughts as I doubt I'll get something more done before mid morning tomorrow.

Question. Is this letter the first of two that we will make during the comment period? It seems like this could be an opening shot, followed by a more detailed comment close to the December 18 deadline with some additional data and graphs, and maybe quote federal regulations or demonstrate the lack thereof.

The letter is rational and to the point. It seems a little understated as we face a serious crisis that could tank conservation and restoration efforts for northern bound salmon with a poorly designed fed FMP and dearth of scientific evidence and management capability to react in a timely manner.

I don't know what new data will be added to the new "It Takes Fish" booklet but it might be useful to at least look at data that compares the different salmon runs on the Kenai with ours from 1978 to now for the Dec 18 deadline. We received such for Mat-Su data probably 2 years ago in a meeting packet. The state should have numbers easily available for similar statistics for Kenai. I'm guessing that for Chinook, coco and sockeye that our runs will have decreased severely compared to Kenai.

I'd like to find something that is simple, accurate and informative that also catches the eye and is easily understandable to make a compelling argument for conservation, restoration and avoiding overfishing in the lower Cook Inlet. We need to keep in mind that the drift gill-netters are making the argument that they are "underfishing" what they should get in Kenai. IMHO, NMFS seems to be trying to accommodate the drift gillnetters that sued them without full scientific and forthright method.

Our salmon need help! There are signs of partial recovery. Absent serious conservation and restoration efforts based on much better scientific data than we now have, our threatened salmon runs could be in serious jeopardy with the proposed Amendment 16 FMP. The method for reaching the TAC is nothing short of a stab in the dark. The fed management is based on as much of a sustainable catch that can be allocated, but this isn't for bottom fish, this is for 5 different varieties of salmon running at different run times in a fully allocated fishery.

Taking the three weakest years averaged and the three strongest years average and then combining the two to set MSY is nothing short of averaging past statistics before laying a huge bet at the roulette wheel. The lack of scientific evidence and method is stunning. Decisions need to be made by reliable and meaningful scientific evidence. We don't need a management plan that may apply to an entirely different type of fishery that is not applicable to the multi-stock Cook Inlet salmon runs.

The current state regulations allow emergency closures and openings in real time depending on what is being caught and where. Federal rules do not. Maybe we should be seeking a Congressional change in the Magnuson-Stevens Act in order to accommodate this.

In order to better evaluate when north bound salmon are running in the conservation corridor, the test fishery needs to be restored, refined and completed for multiple years. There may be more data that could be obtained that would for more northern bound spawners. I don't know what that is, but the only test fishery that was done between Kalgon Island and the east shore, verified what both drift gillnetters and scientists had guessed about where northern bound fish tend to hang out in the rips. But the study only happened one year, and was incomplete. It needs to be more complete and detailed and

multiple years to better refine the conservation and restoration of northern bound salmon. The science needs to be improved and refined in order to apply a reasonable management system that respects the conservation and restoration of Mat-Su Salmon runs.

If there's anything of value that can be used from any of this please feel free to use it. I simply didn't get to the refining part.

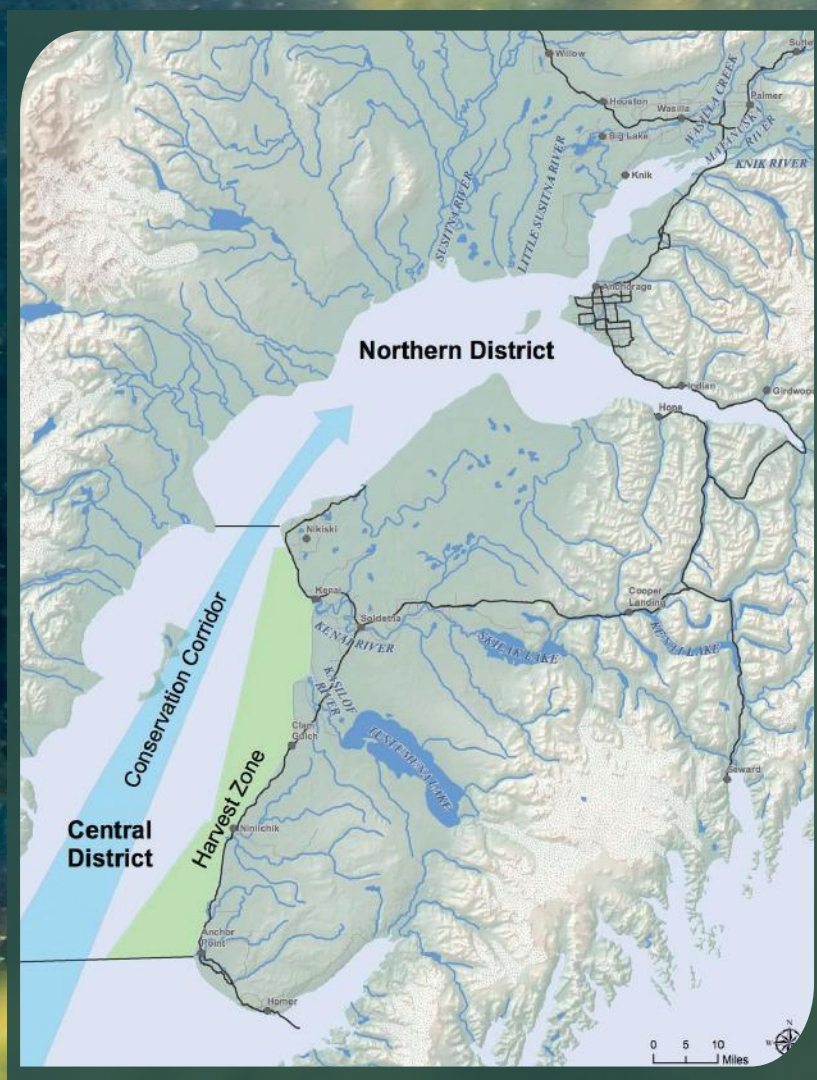
Jim.



# *It Takes Fish To Make Fish*



## Matanuska-Susitna Borough Fish & Wildlife Commission





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# Full Commission photo here

The Mat-Su Borough Fish & Wildlife Commission was created to advise and make recommendations to the Assembly, Borough Manager, and/or any state or federal agencies, departments, commissions, or boards possessing jurisdiction in the area of fish, wildlife, and habitat on the interests of the borough in the conservation and allocation of fish, wildlife, and habitat.

- A 9-member volunteer board, appointed by the MSB Mayor, including two MSB Assembly members
- Members have pertinent expertise, with decades of Alaska BOF service, and well over 100 years of combined expertise as State biologists, fishing and hunting guides, and other high level conservation and research based careers.
- While engaging local citizens in fish and wildlife issues, the FWC/MSB has directed over \$20 million in Borough, State, and Federal appropriations towards fisheries research/management and fish passage.



This booklet was developed by the Matanuska-Susitna Borough Fish and Wildlife Commission (MSBFWC) to inform and educate about the fisheries concerns that residents of the Northern District of Cook Inlet have with commercial, sport, guided sport, personal use, and subsistence fisheries in both fresh and saltwater in the upper end of Cook Inlet.

**Current Northern District Fishery Issues:**

- Declining numbers of returning Chinook salmon over the past 15 years.
- Lack of scientific data regarding all salmon stock returns.
- Lack of genetic information on Coho salmon as to natal stream origin.
- Interception of returning salmon by commercial fisheries throughout Cook Inlet.
- A higher number of Stocks of Concern than any other area in Alaska.

**The unique geography of Cook Inlet presents additional management concerns for consideration:**

- Northern-bound salmon pass through the center of the inlet when moving north in a mixed-stock fishery. They need to be protected from commercial interception as they progress north.
- Management of Cook Inlet commercial fisheries revolves around one major stock of sockeye salmon. Many smaller stocks can be severely impacted if fishing time and area are not tightly controlled. More attention should be given to these smaller stocks.
- Significant differences exist in the productivity of the Cook Inlet's salmon stocks. Fishing pressures on these diverse stocks needs to be recognized when allowing harvest.
- A better forecasting method for identifying salmon run strength needs to be developed to aid in managing Cook Inlet fisheries.
- The potential Federal takeover of salmon management in the Federal waters of Cook Inlet creates a huge unknown for the future of salmon runs to the Northern District.

**Successful FWC proposals and efforts in past years:**

- Establishing a "Conservation Corridor" in the middle of the inlet to move salmon through the commercial drift fleet and into northern waters.
- Expanding the limited personal use fisheries in the Northern District.
- Reducing unlimited commercial fishing times and restricting fishing areas.
- Securing funding for Coho salmon genetics studies.
- Securing funding for weirs and enumeration counts of returning salmon.
- Expanding commercial fishing areas on the east side of the Central District in Cook Inlet.

The greatest success so far has been establishing and maintaining the Conservation Corridor. The Corridor has successfully pulsed more fish through the commercial drift fleet and into northern waters, allowing Northern salmon to return to their natal streams to spawn. **The Fish & Wildlife Commission is dedicated to maintaining the regulations currently supporting the Conservation Corridor and enforcing conservative fishery management for the Northern District in the future.**





# COMMISSION GOALS

- 1 Maintain and enhance the Conservation Corridor in the drift gillnet fishery management plan.
- 2 Continue conservative management practices which provide protection for current and formerly identified Stocks of Concern.
- 3 Increase in-river returns of Coho salmon to Northern Cook Inlet river systems.
- 4 Review and evaluate the existing Chinook salmon management plans and strategies to determine if they adequately address the conservation of the early run king salmon in northern Cook Inlet.
- 5 Personal use fishery: maintain or extend personal use fishing use opportunity for Alaskan residents fishing the Northern Cook Inlet who choose to harvest salmon with net gear.



# MAT-SU BOROUGH

The Matanuska-Susitna Borough lies at the head of Upper Cook Inlet and is Alaska's fastest growing region. Most of the Mat-Su's population resides in the core urban area surrounding the cities of Palmer and Wasilla, leaving the majority of the region wild and minimally developed. It is important to note that despite its continued growth, **the Mat-Su is comprised mainly of pristine Alaskan wilderness**, with more than 50,000 miles of mapped streams spread throughout a landscape the size of West Virginia. More than 4,000 of these stream miles are documented anadromous streams in the Susitna Basin alone and the area hosts all five species of Pacific salmon.



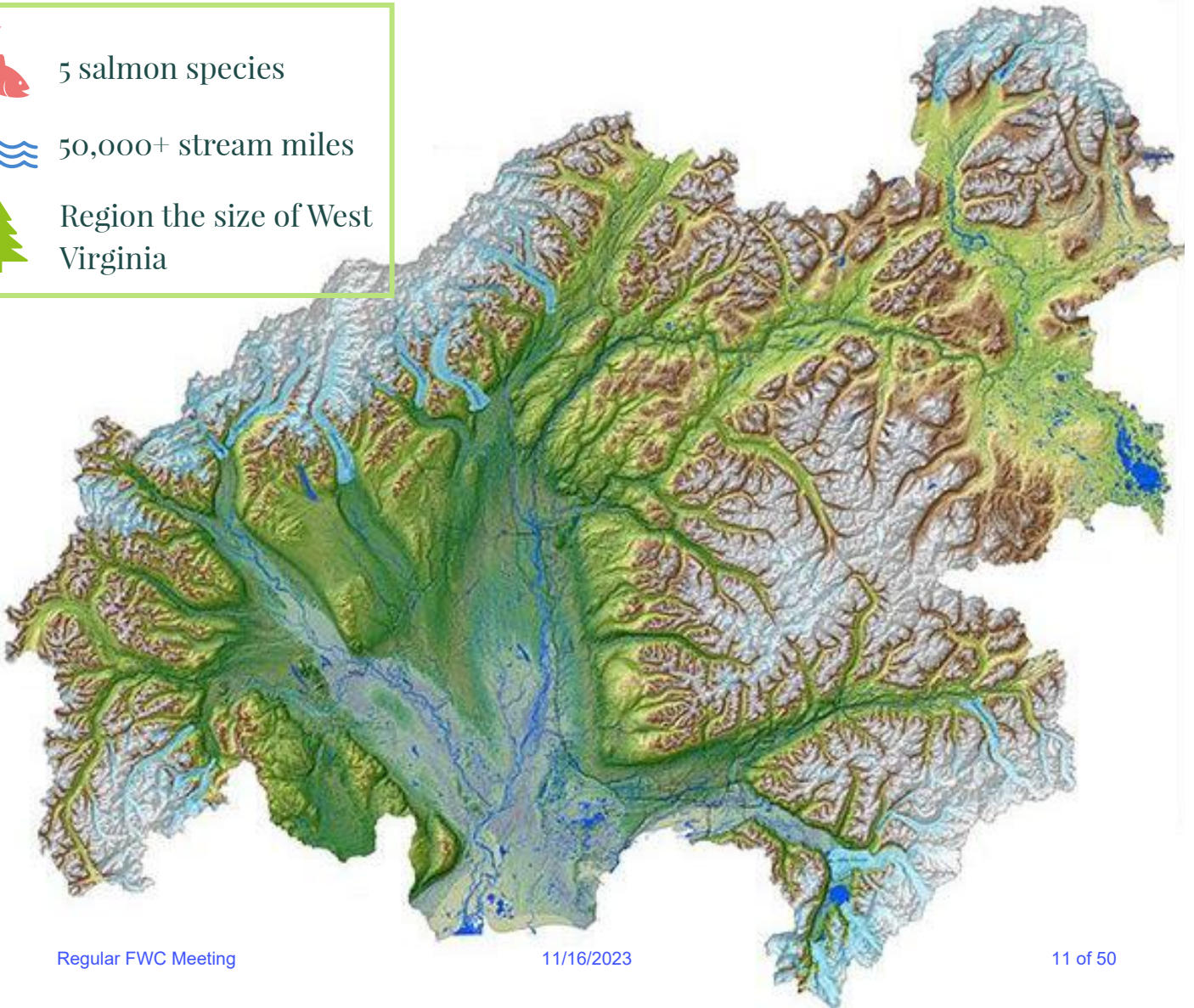
5 salmon species



50,000+ stream miles



Region the size of West Virginia





## HABITAT IN THE MAT-SU

for returning salmon

What do salmon able to return to Upper Cook Inlet find?

**Lots of habitat for spawning.** There are more than 4,000 miles of documented salmon habitat in the Susitna Basin alone. The Northern region is critical for the long-term stability of salmon in Cook Inlet. Through conservative management, the Conservation Corridor ensures that an adequate number of fish return to continue these populations.

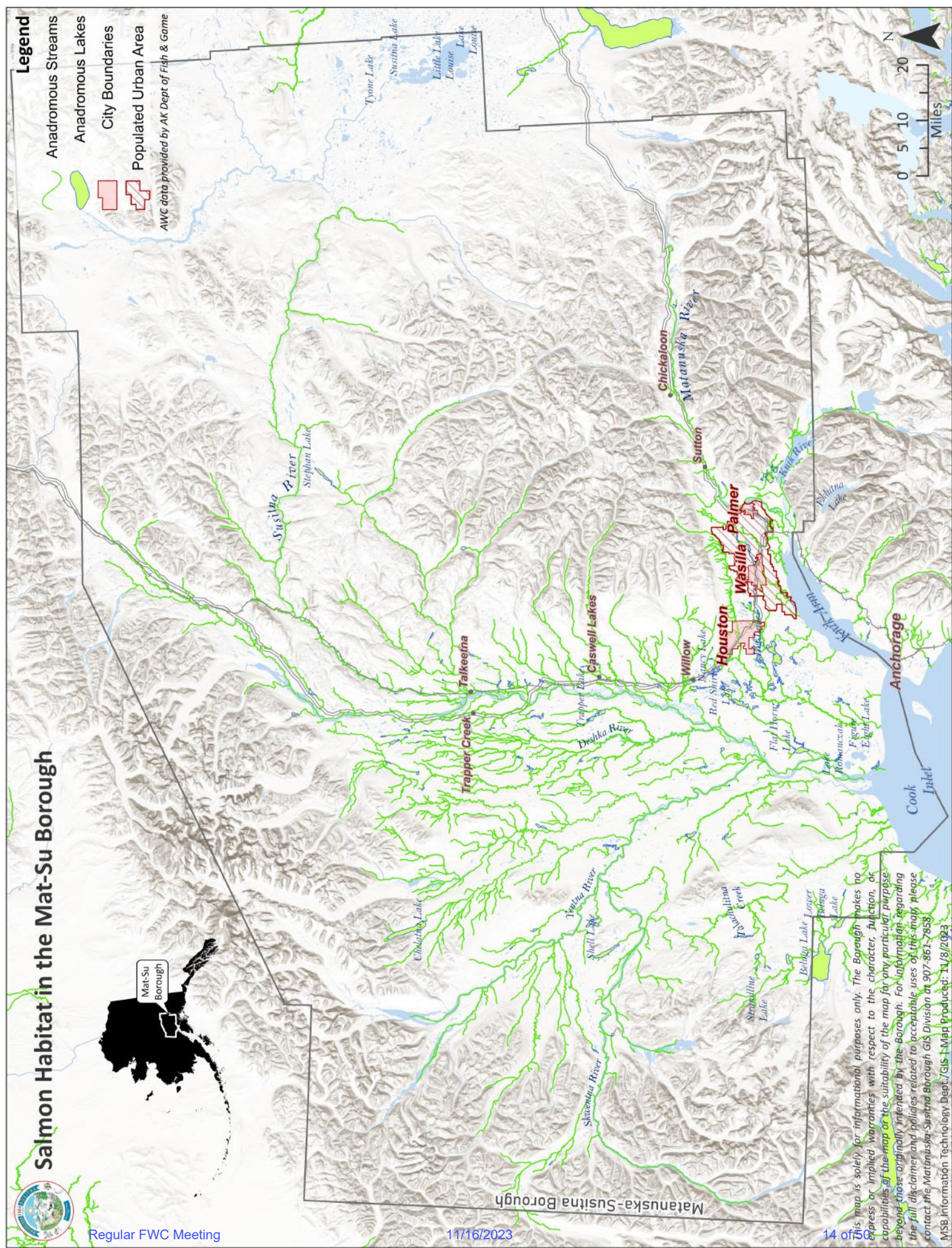
The Susitna Basin is approximately 20,612 square miles. The total length of the Susitna River, from source to salt, is about 321 miles. The portion included in the Anadromous Waters Catalog (AWC), indicating documented salmon habitat, is 228.74 miles. In addition, there are 693 tributaries to the Susitna River listed in the AWC, totaling another 4,030 stream miles of salmon habitat. Recognizing that there is undoubtedly more salmon habitat in the Susitna basin that has yet to be evaluated, there is a minimum of 4,258 stream miles alone in the Susitna basin. Significant salmon habitat here can contribute significantly to Cook Inlet salmon stocks, assuming enough salmon return to their natal streams to spawn. **The Conservation Corridor provides the “pipeline” to help sustain this vibrant ecosystem.**



# SALMON HABITAT

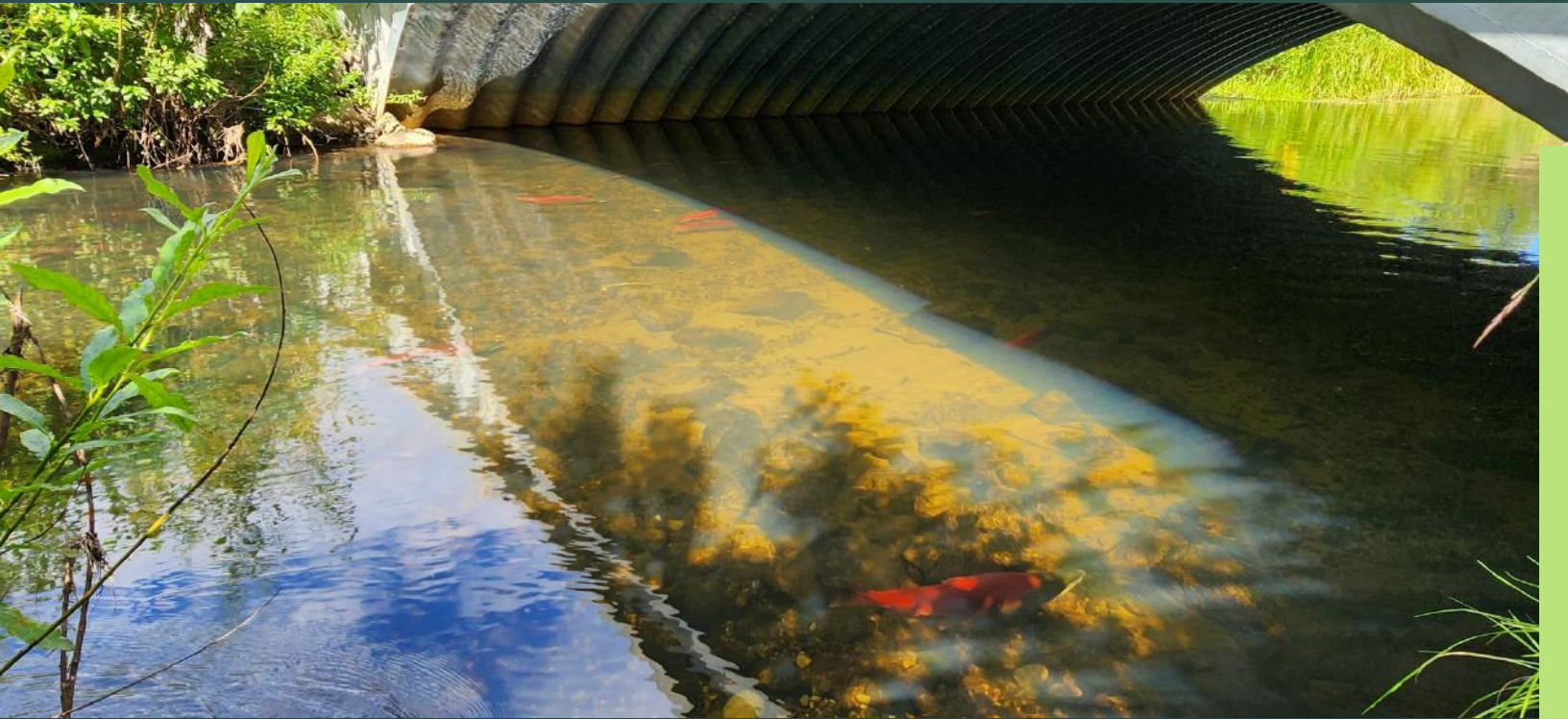
**DRAFT**  
*(Maija)*







# FISH HABITAT IMPROVEMENTS



The Mat-Su contains abundant anadromous fish habitat, mostly centered around the massive Susitna River drainage. The citizens and local governments prioritize fisheries here, and the Borough is widely recognized for its extensive fish passage program that has **reopened over 30 stream miles and 6,000 acres of lakes to anadromous fish**. This investment by local partners totals over \$20 million, and the Borough's robust culvert replacement program is ongoing as fisheries remain a priority. Economic studies continue to indicate the importance of fisheries to the Mat-Su economy.

As of 2023, **111** culverts have been replaced for fish passage within the region on State, Mat-Su Borough, Alaska Railroad, and privately owned land. No other local government in Alaska has such an aggressive replacement program. The Mat-Su is lauded in Washington, D.C. by the U.S. Fish & Wildlife Service for doing it right and several national awards have been credited to the Mat-Su and its partners.



**“The scale of the fish passage program in the Mat-Su is pretty unprecedented in the commitment to really seeing through and improving fish passage borough-wide.”**

**—Alaska Dept. Fish & Game**

The work continues with additional culvert replacement projects scheduled over the next few years. Many higher value culvert replacement projects still remaining fall under ownership outside of the Mat-Su Borough's jurisdiction. With high priority projects on many State, AK Railroad, and privately owned routes, it presents an opportunity for continued partnership in pushing projects forward and successfully returning salmon to their natal streams. Other partners have also invested in projects that improve and enhance salmon habitat within the Mat-Su Borough. Great Land Trust has completed 22 projects to date that have conserved nearly 10,000 acres of fish habitat, and 44 anadromous stream miles.

Millions of dollars have been spent on this effort, shared by the Mat-Su Borough and the U.S. Fish and Wildlife Service. This year, the MSB Fish & Wildlife Commission directed \$2.5 million in State appropriations toward science, genetic research, and fish passage.

### Mat-Su Borough Salmon Fish Passage Program - Map 1 of 2

★ Restored to improve fish passage (new culvert or bridge) - 2018-2023 Projects

▲ Restored to improve fish passage (new culvert or bridge) mostly from 1999 to 2017

▲ Passes juvenile salmon

▲ Marginal, or may not be adequate to pass juvenile salmon

▲ Not adequate to pass juvenile salmon

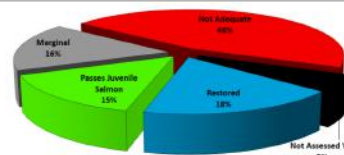
▲ Unable to rate or culvert has been replaced and not reassessed

Map of Flood Hazard Areas

1% Annual Chance of Flooding (previously called 100 year flood zones)

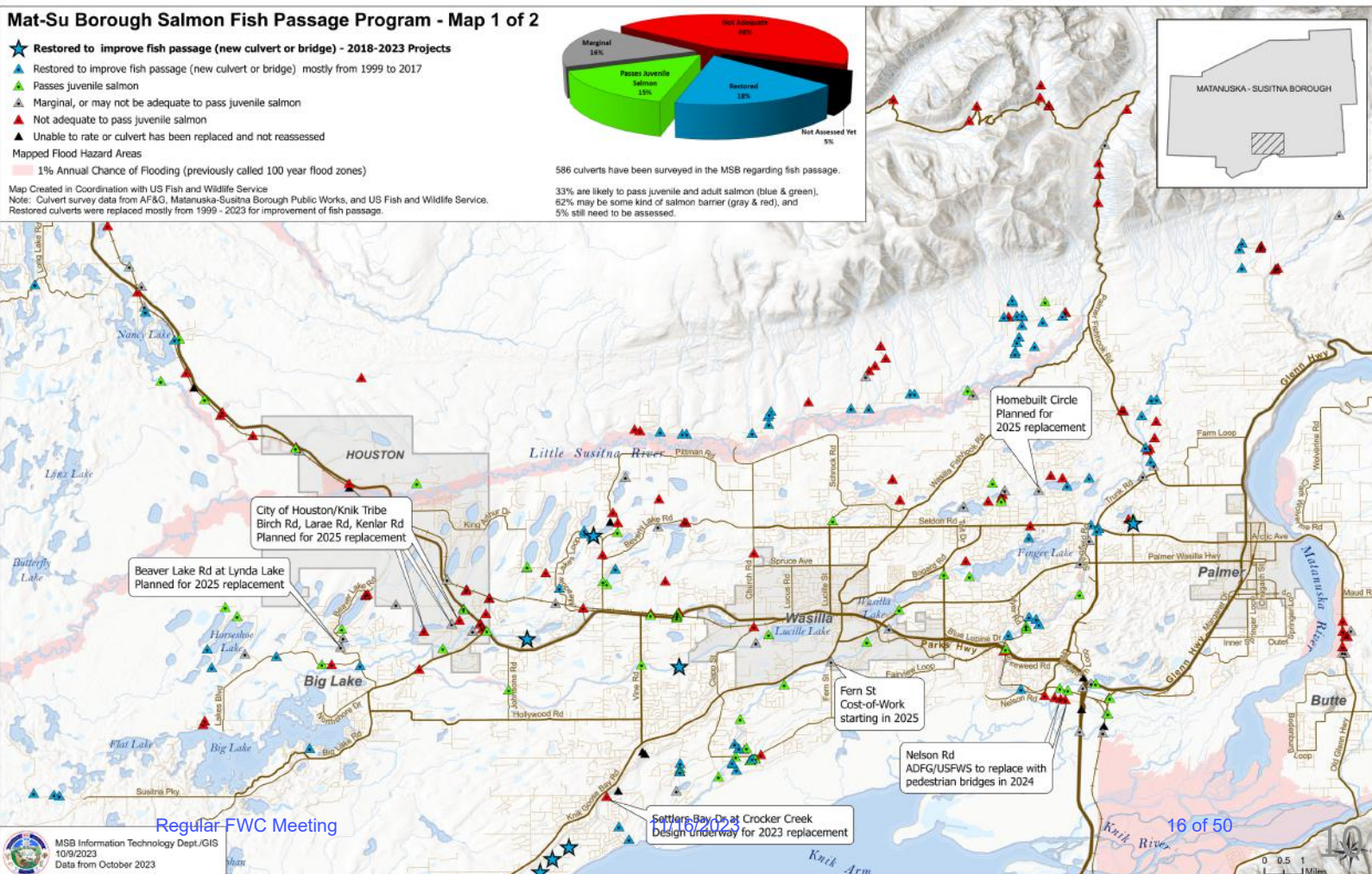
Map Created in Coordination with US Fish and Wildlife Service

Note: Culvert survey data from AF&G, Matanuska-Susitna Borough Public Works, and US Fish and Wildlife Service. Restored culverts were replaced mostly from 1999 - 2023 for improvement of fish passage.



586 culverts have been surveyed in the MSB regarding fish passage.

33% are likely to pass juvenile and adult salmon (blue & green), 62% may be some kind of salmon barrier (gray & red), and 5% still need to be assessed.



Regular FWC Meeting

Settlement Bay at Crocker Creek  
Design underway for 2023 replacement

16 of 50



# *Unique Geography & Characteristics of Cook Inlet*

## *DRAFT*

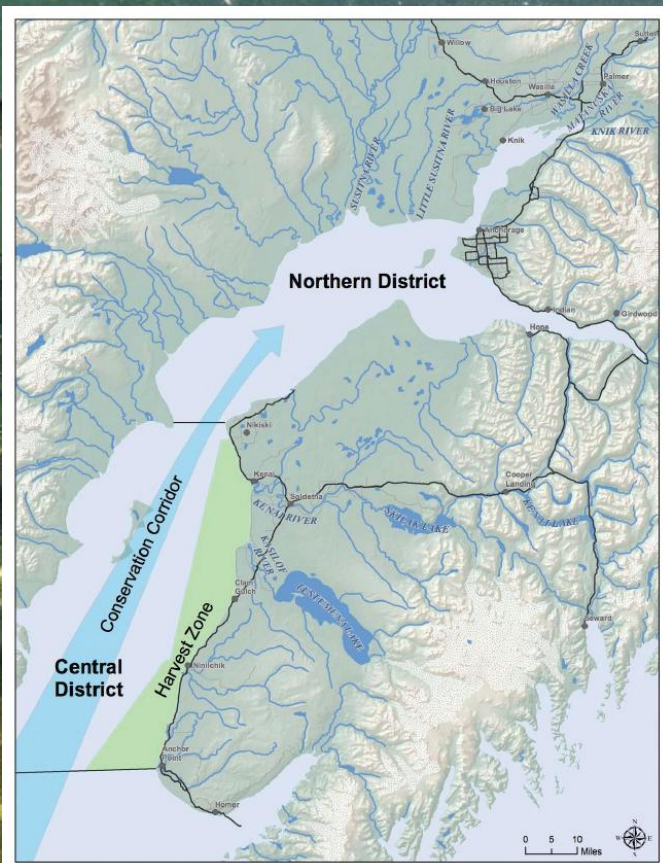
### *(Larry)*

# THE CONSERVATION CORRIDOR

## Management That Works

The Conservation Corridor concept allows for a more conservative approach to fisheries management. Considering the unique geography of Cook Inlet, as well as the complexity of a commercial mixed stock fishery, it is essential to prioritize the Inlet's weaker salmon stocks, ensuring they successfully reach their natal streams. The concept builds off of the highly successful terminal stock fisheries management program in Bristol Bay and, in our case, is designed to enable commercial fishermen to target Kenai and Kasilof sockeye closer to shore while allowing northern-bound coho and sockeye to pass through the central Conservation Corridor to reach their spawning grounds in Upper Cook Inlet.

### UPPER COOK INLET



The concept was first applied in Cook Inlet in 2011, with subsequent BOF cycles seeing the concept tweaked and modified.

# ***Federal Management of EEZ***

***DRAFT***

***(Pete)***



# MAINTAINING THE CORRIDOR

## Illustration of Mixed Stock moving through corridor

### Why It Matters:

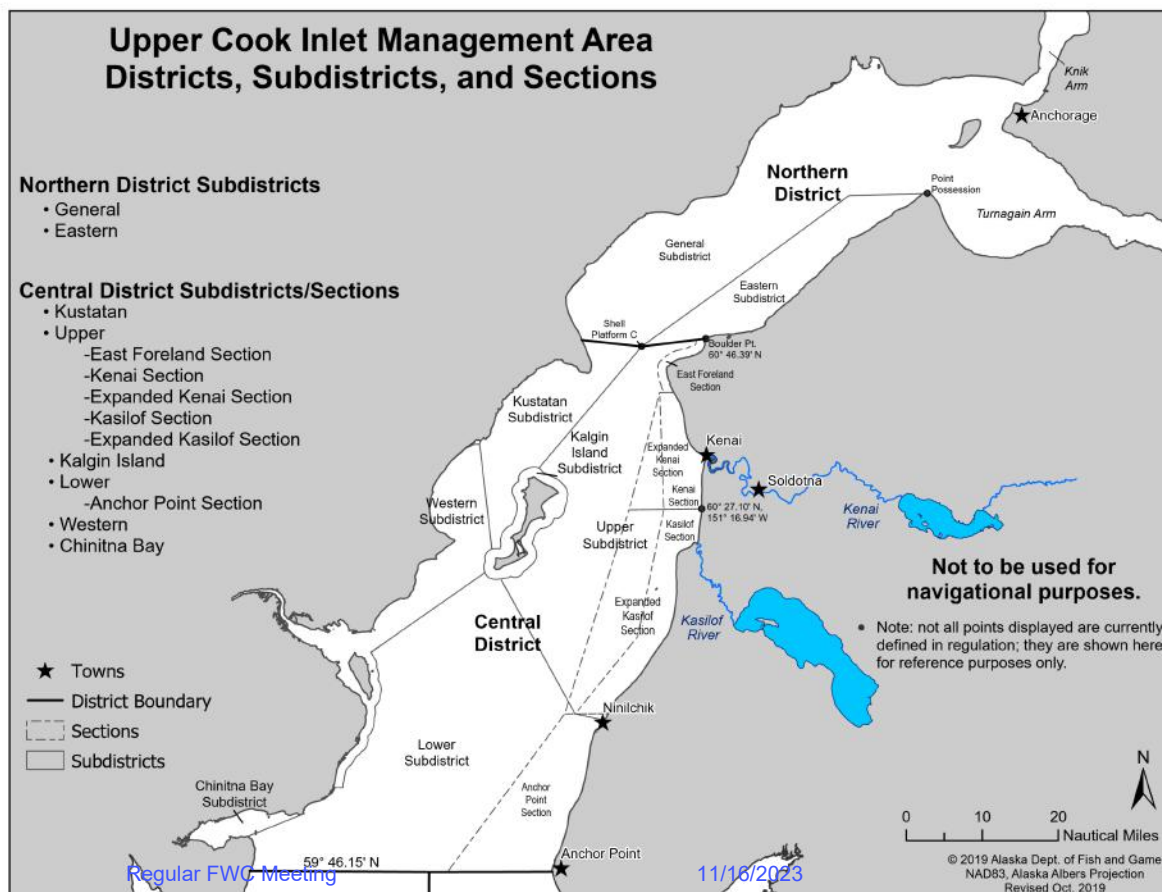
"Commercial salmon fisheries in Cook Inlet begin in June under State regulations. Around this time, Chinook salmon are already present in Cook Inlet and sockeye salmon begin migrating into Cook Inlet from the Gulf of Alaska. As salmon begin to move into Cook Inlet, with the exception of Chinook, they typically group in large tide rips in the middle of Cook Inlet to start moving toward their spawning streams, rivers, and lakes... salmon stocks originating from throughout Cook Inlet are mixed together. As they move northward up farther into Cook Inlet, individual salmon stocks will eventually move shoreward into State waters to reach their spawning streams. Stocks returning to freshwater systems farther north in Cook Inlet tend to stay close to the middle of the inlet when they move through the Cook Inlet EEZ Area."\*

\*Department of Commerce, NOAA. Federal Register: Fisheries of the Exclusive Economic Zone Off Alaska; Cook Inlet Salmon; Amendment 16. Vol. 88, No. 201. October 19, 2023

# UPPER COOK INLET COMMERCIAL SALMON FISHERY

The Upper Cook Inlet (UCI) commercial fishery management area consists of marine waters north of Anchor Point (lat. 59 degrees 46.46N) and is divided into the Central and Northern Districts. The Central District is about 75 miles long, averages 32 miles in width and includes six sub districts plus several sections. The Expanded Kenai, Expanded Kasilof and Anchor Point Sections are frequently employed to ensure stock specific harvests of Kenai Peninsula sockeye salmon. The Northern District is approximately 50 miles long, averages 20 miles in width and contains just two sub districts. Commercial harvest information is collected and reported from 28 statistical areas within UCI.

All five species of salmon are harvested by the UCI commercial fishery. Run timing and migration routes often overlap to such a degree that the fishery has historically been mixed species and mixed-stock in nature. In terms of economic value, sockeye salmon are by far the most important component of the harvest followed by coho, chum, pink and chinook salmon. The exvessel value of the UCI commercial salmon fishery averaged approximately \$27 million from 1970-2021. The average annual harvest during this period was 3.9M salmon of which 2.8M were sockeye. The drift gillnet fishery generally accounts for about 50% of the annual harvest with set gillnets harvesting virtually all of the remainder.



*Regulations that govern the UCI Conservation Corridor are found in the Central District Drift Gillnet Plan (5AAC21.363).*

*The purpose of this management plan is to, "ensure adequate escapement and a harvestable surplus of salmon into the Northern District drainages."*





Set (fixed) gillnets are the only gear allowed in the Northern District whereas both set gillnets and drift (mobile) gillnets are allowed in the Central District. The use of seine gear is restricted to, but seldom used in, the Chinitna Bay subdistrict. The Commercial Fishery Entry Commission reported that 567 active drift gillnet permits were issued in 2021 of which 74% were issued to Alaskans. In the set gillnet fishery 730 permits were issued of which 84% went to Alaskan residents. Of these permits 364 drift gillnet permit holders and 510 set gillnet holders reported harvest in the 2021 fishery. The Conservation Corridor benefits northern commercial users by allowing more salmon to travel farther up Cook Inlet. The Northern District begins at the narrowest part of Cook Inlet and extends up to the Susitna River, Knik River, and Turnagain Arm.

The commercial fishery in Cook Inlet has changed significantly over time and will continue to adapt as we learn more and are impacted by larger unknowns such as Federal fishery management and climate change. The MSB Fish & Wildlife Commission prioritizes conservative management that provides reasonable harvest opportunities for all user groups, supported by the Alaska State Constitution which states, *"The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people."*

# BEFORE THE CORRIDOR



For decades commercial fisheries management of Kenai River sockeye has impacted Upper Cook Inlet with little regard for appropriate harvest levels of Northern Cook Inlet fish stocks. As a result, salmon stocks in the Northern Cook Inlet suffered drastic declines, local fishing opportunities were restricted or eliminated, and residents/visitors to the Mat-Su watched helplessly as their commercial, personal use, and sport fishing needs took a back seat to Central District commercial interests.



## Stocks of Concern

Susitna sockeye was designated a stock of concern in 2008; In 2020, several years after regulatory changes enforced the Conservation Corridor, they were delisted.



## Escapement

Escapement goals – the bedrock of fisheries management – had met chronic failure in Northern Cook Inlet sockeye and coho streams, while in the south the sockeye commercial harvest often had successive emergency openings to catch more fish



## Coho Returns

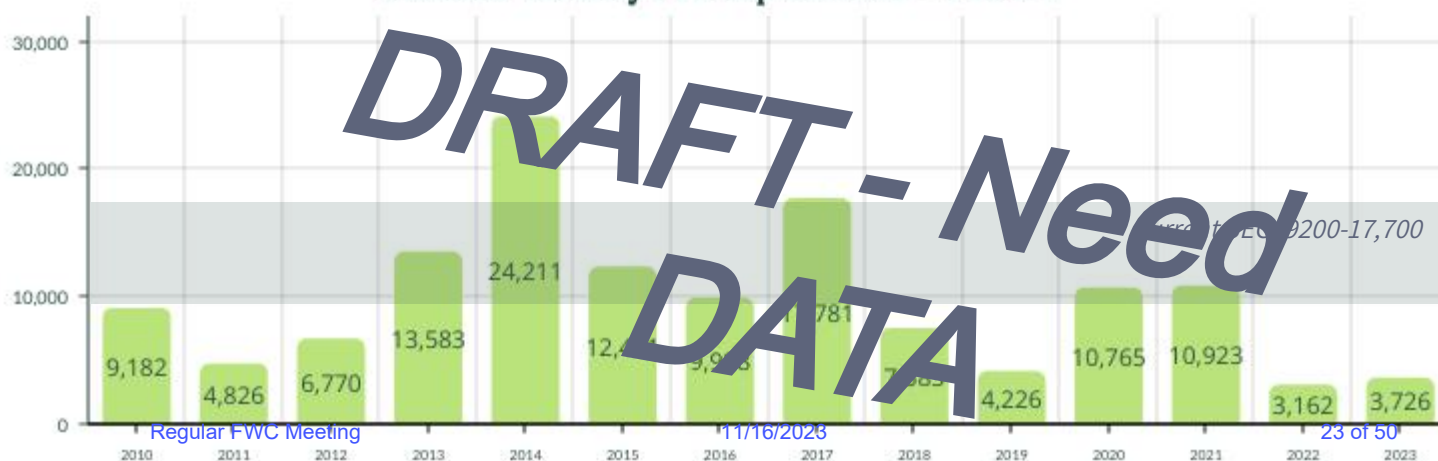
Coho returns in Northern Cook Inlet streams reached record lows in 2011-2012



## Angler Days

Angler days for sportfishing sank to the lowest level in 34 years

Susitna Sockeye Escapements - DRAFT





A large salmon is captured mid-jump, splashing out of the water. A person's brown leather boot is visible on the left, suggesting the fish is being released or has just been caught. The water is dark and turbulent with white foam from the splash.

## AFTER THE CORRIDOR

# 2014

# 1

The commercial drift catch was more evenly balanced between the corridor and inshore areas.

# 2

More salmon moving through the corridor were able to return to streams in Upper Cook Inlet.

When the Conservation Corridor was established in 2011, Northern Cook Inlet streams were almost universally in decline. In 2014, the Board of Fisheries voted unanimously to strengthen the Conservation Corridor by enforcing a clear directive that had been side-stepped for more than 35 years. Once the Corridor was established, during much of July, the drift fleet is restricted to fish inshore near the rivers where Kenai and Kasilof sockeye originate, allowing northern-bound coho to pass north.

It is impossible to harvest one stock at a time in a mixed stock fishery like this one. However, *fishing for Kenai sockeye in the terminal harvest zones, closer to shore, will result in lower harvest numbers of Susitna sockeye and coho because these northern-bound salmon are primarily running up the middle of the Central District.\**

# MIXED STOCK FISHERY COMPLEXITY

Every July, five different species of salmon and numerous different stocks of salmon come through Upper Cook Inlet around the same time. Among the salmon are the Kenai sockeye, Kenai Chinooks, Northern cohos, and Northern sockeye, all swimming in the same saltwater with commercial boats targeting them. Farther upstream are the northern set gillnets. Still farther north are subsistence users and, finally, the sport fishery in the Mat-Su Basin.



Management of the Inlet's unique stocks and species often results in conflict among user groups. When commercial fishermen have a banner year for sockeye, sport fishermen often face closures because of low numbers of returning cohos. By further refining mixed stock locations and identifying and fishing individual systems, harvest practices may be fine-tuned to benefit all users with an accurate, science based approach. Given the variability of run timing year-to-year, and the current lack of inseason management tools in Upper Cook Inlet, **a conservative approach to the Conservation Corridor concept is necessary to manage this complex fishery and maximize positive outcomes.**

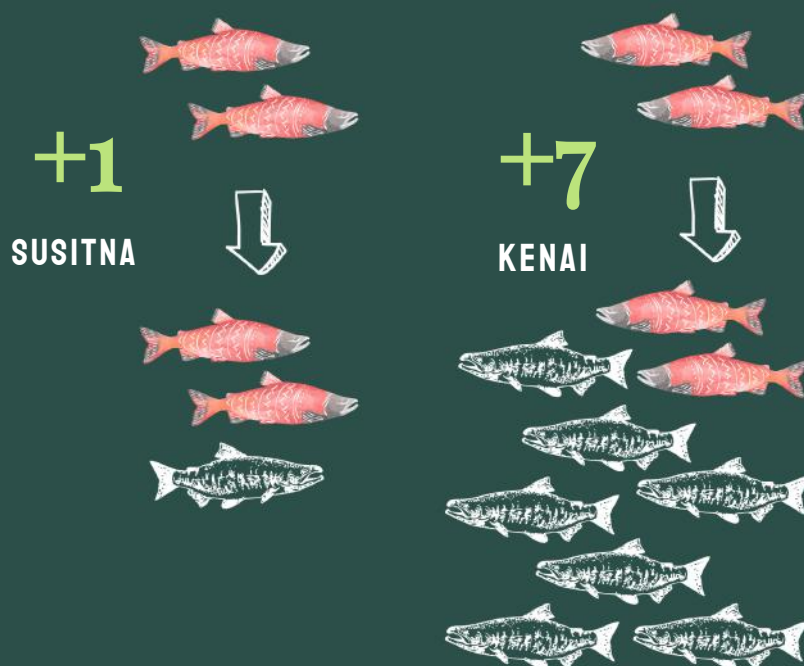


## A strong Conservation Corridor helps protect weaker salmon stocks and the health of Upper Cook Inlet fisheries.

Managing fisheries in Cook Inlet is complex and management must consider many factors. Prior to the development of the Conservation Corridor, drift fisherman could fish in an area of their choice. Today, during a strong sockeye run with a projected escapement of 4.6 million fish, drifters are permitted only one 12-hour period per week in the mixed stock waters of the corridor from July 16-31. In 2017, the BOF added one additional district wide fishing period in late July. This drastically shifted most of the commercial harvest from terminal fishery inshore areas to the mixed stock fishery of the Conservation Corridor, negatively impacting salmon returns to their natal streams in UCI.

A compounding factor in management is the productivity of the fish. **Kenai sockeye produce more returning offspring than Northern sockeye:** 4.5 fish per spawner to Susitna's less than 1.5 fish per spawner, meaning only one Susitna sockeye offspring can be harvested to sustain the stock versus the seven eligible Kenai offspring. The less productive stocks cannot support the same high harvest rates as the strong Kenai stock, and in a mixed stock fishery, this is nearly impossible to manage effectively.

**A NATURALLY  
LESS  
PRODUCTIVE  
STOCK**



# INSEASON MANAGEMENT

The Susitna counters are far up the Inlet and farther still up Mat-Su rivers and streams. Unfortunately, they don't provide real-time data that can be used for management in-season. **While Kenai has an immediate understanding of the abundance of their salmon runs, Northern Cook Inlet can be delayed by weeks, depending on the time it takes fish to travel to their northern natal streams.** The timing and the lack of other in season management tools make emergency orders the only method for inseason management in the Northern District.

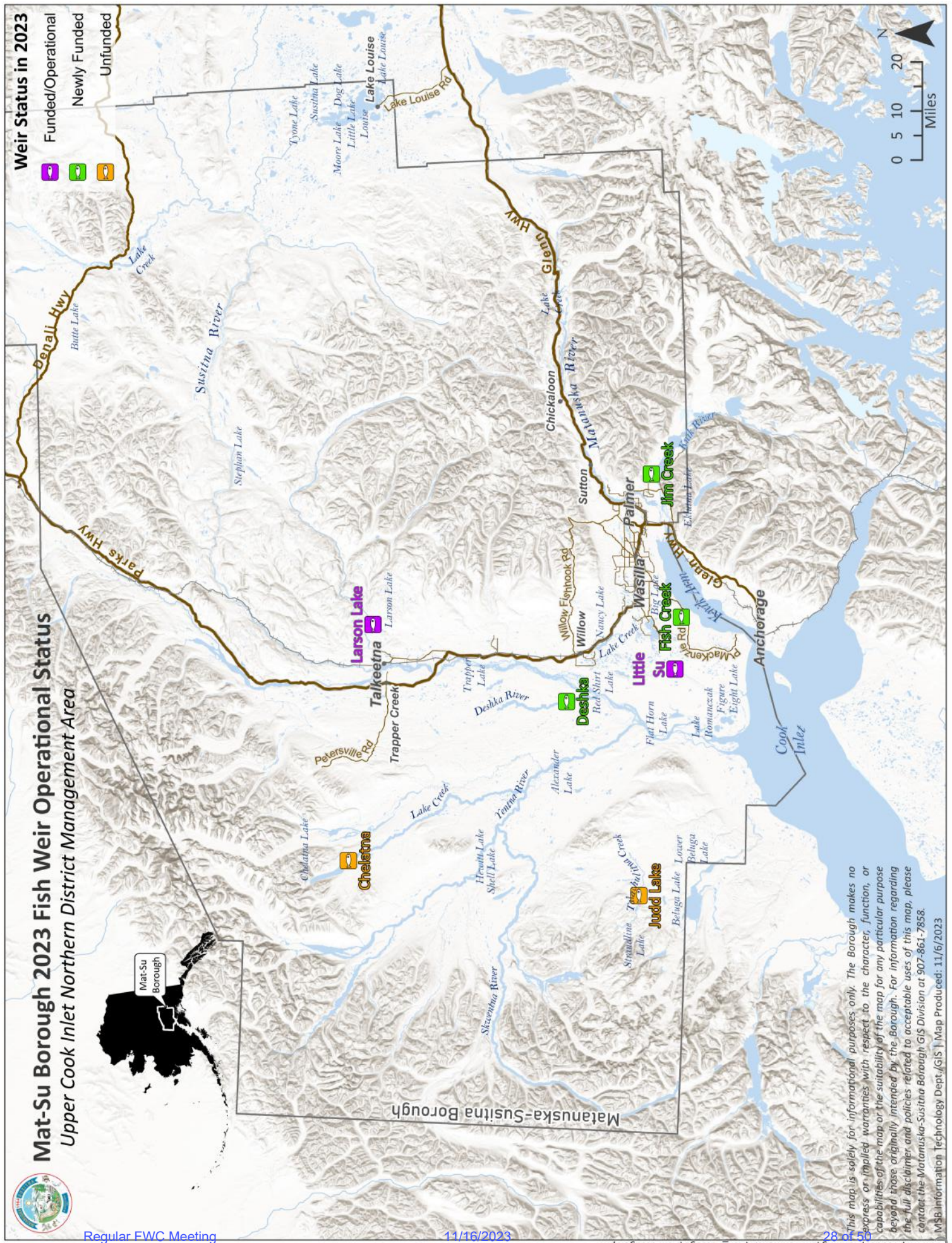
## Illustration of run timing and barriers for UCI salmon

### *Importance of Inseason Management - DRAFT (Andy)*

Without the use of inseason management tools, how will Federal agencies be able to make "effective adjustments" in season, especially for the Northern District? Is there a way to maximize commercial use in the EEZ and preserve weak stocks at the same time?









# STOCKS OF CONCERN



## CURRENT management concerns

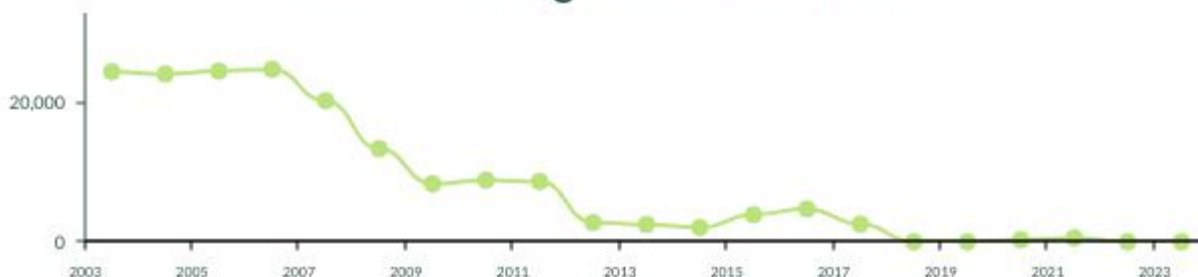
- Chinook in Alexander Creek (2010)
- Chinook in Chuitna River (2010)
- Chinook in Theodore River (2010)
- Chinook in East Susitna (2019)

Stocks of concern are fish chronically struggling to maintain population stability despite conservative management efforts. The Susitna River sockeye was designated as a Yield of Concern in 2008. With the establishment of the Conservation Corridor in 2011, and subsequent regulations reinforcing the Corridor in 2014, **the Susitna River Sockeye population has been successfully restored and was removed as a Stock of Concern in 2020.** It is important to celebrate the positive impacts of conservative management efforts like these, but to also recognize that it didn't happen overnight. It can take years to feel the effects of regulatory changes and maintaining current protections should be a top priority for policymakers.



Despite the success of the Susitna Sockeye, numerous Chinook populations throughout the Upper Cook Inlet continue to show up on the list, and many have been there for more than a decade. The results are a continuously struggling stock, limited catch-and-release fishing, and full-season closures for residents. This begs the question of whether or not careful, conservative management is doing enough in this case or if there more to be done.

Susitna Drainage Chinook Harvest



The graph above illustrates significant and consistent declines in Chinook salmon returns in the Northern District, and as a result, limited harvest opportunities for anglers. 2023 marks the fourth season since 2018 not to record a single Chinook salmon harvest in the Susitna. Numbers like these indicate a larger concern, that the Chinook salmon in the entire Susitna drainage have the potential to be considered a yield of concern. The Susitna sockeye was a yield of concern from 2008-2020, having never reached numbers this low.

**"A stock of yield concern** is defined as "a concern arising from a chronic inability, despite the use of specific management measures, to maintain specific yields, or harvestable surpluses, above a stock's escapement needs; a yield concern is less severe than a management concern" (5 AAC 39.222(1)(42)). The SSFP defines chronic inability as "the continuing or anticipated inability to meet expected yields over a 4 to 5 year period."

**"A stock of management concern** is defined as "a concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specified management objectives for the fishery; a management concern is not as severe as a conservation concern." (5 AAC 39.222(1)(21))"

**"A stock of conservation concern** is defined as "a concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a stock above a sustained escapement threshold (SET); a conservation concern is more severe than a management concern." (5 AAC 39.222(1)(6))"







## A REASONABLE OPPORTUNITY

A mission of the MSB Fish & Wildlife Commission is to work towards adopting regulations conservative enough to reach midpoint escapement goals for Northern Cook Inlet sockeye and coho salmon without the use of additional inseason restrictions and closures, providing more realistic and reasonable shared harvest opportunities throughout the season, for all users.



**The practice is proven. The most successful fishery in the world, Bristol Bay Sockeye, is regulated with terminal fishing districts. The Conservation Corridor works and should be maintained and enhanced to continue making positive impacts.**

The Matanuska-Susitna Borough supports fisheries management using the best available science. Harvesting Northern Cook Inlet salmon stocks, primarily within the district where directed harvests can best match individual stock production and abundance level, will minimize in season restrictions and closures. This management approach will maximize the benefit for the state, the fishing economy, and the health of the fishery.



# TAKEAWAYS

<sup>32</sup>  
All issues point to the need for conservative management and maintenance of existing systems, such as the Conservation Corridor.

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More fish does not always mean harvest should be increased.

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A number of uncertainties have been identified, amplified by a lack of inseason data. This demonstrates the need for increased and more consistent funding for management tools like weirs, genetic studies, etc.

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It takes fish to make fish, and it takes fish returning to natal streams in Northern Cook Inlet to support healthy salmon populations alongside successful sportfishing economies.<sup>32 of 50</sup>

## PROPOSAL 231

### 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Modify dates of the Susitna River dip net fishery as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

...

(h) salmon may be taken by dipnet in the Susitna River, only as follows:

(1) **July 17 – August 7:** [JULY 10 - JULY 31:] Open to fishing only on Wednesdays and Saturdays from 6 a.m. to 11 p.m.

## What is the issue you would like the board to address and why?

Personal use harvests have been modest during the first three years of this fishery and harvest data indicates the first Saturday and Wednesday occur before there are many salmon available for harvest. Harvest and weir data indicate better abundance of the four salmon species open to harvest in this fishery later in the season. In addition, harvest data indicates that a few king salmon have been illegally taken in this fishery.

- The Northern District Salmon Management Plan specifically seeks to provide harvest opportunity based on abundance.
- The plan further specifies providing sport, guided sport, and OTHER INRIVER USERS a reasonable opportunity to harvest not just chum, pink, and sockeye salmon, but also coho salmon over the entire run.
- Illegally harvested king salmon are more likely to be caught in the early portion of July.

The MSB FWC proposes amending the Lower Susitna River personal use fishery to run one week later on Saturdays and Wednesdays from July 17 - August 7.



# MEET THE COMMISSION

Andy Couch

Pete Probasco

Kendra Zamzow

Gabe Kitter

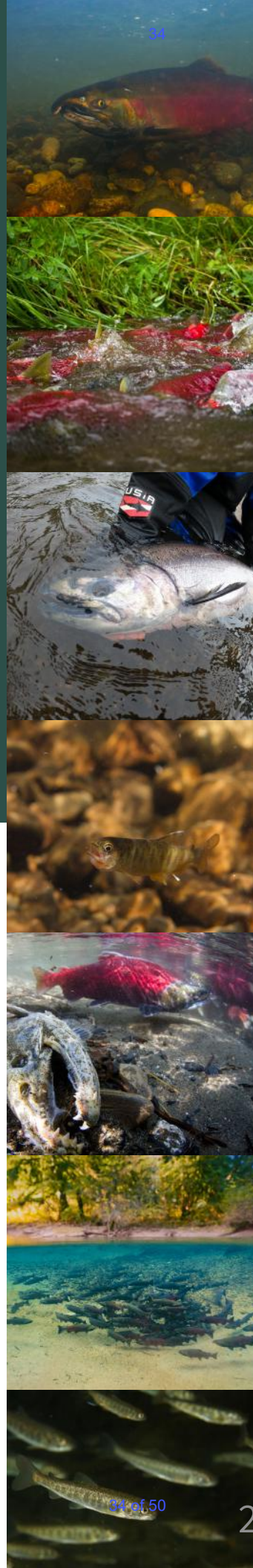
Howard Delo

Larry Engel

Tim Hale

XXXXXXXXXX

Jim Sykes





## Matanuska-Susitna Borough Fish & Wildlife Commission



To: DNR  
Jonesville/Moose Range Management Planning  
550 W 7th Ave, Suite 1050, Anchorage, AK 99501-3579  
[jonesvillemooserange@alaska.gov](mailto:jonesvillemooserange@alaska.gov)

From: Kendra Zamzow  
PO Box 1250, Chickaloon, AK 99674  
[kzamzow@gmail.com](mailto:kzamzow@gmail.com)

Re: Moose Range Management Plan comments

To Whom It May Concern:

I have been a resident in Chickaloon since 2010, and was a resident of Sutton in 2009. As a resident adjacent to the Moose Range, and as one of the many community members that helped to develop the community-borough plan for the Jonesville Public Use Area (JPUA), I am providing these comments to DNR regarding their proposed Moose Range Management Plan ("Plan").

### **General comments**

The Moose Range Management Plan ("Plan") is very well-written, and I whole-heartedly agree with most of the management intent, which focuses on habitat, on reigning in the illegal activities in the JPUA and the habitat-disturbing proliferation of off-road trails throughout the Moose Range, and that recognizes the potential for future population pressures to further the negative impacts on habitat.

### **Implementation**

The crux of putting the intent in place is funding a "land manager dedicated to the Moose Range and JPUA....to carry out law enforcement" (p4-6) and creating a Trails Management Plan " (TMP) as time and funding allows" (p4-1).

A TMP is needed throughout the Moose Range, particularly to prevent population pressures from expanding the habitat-destructive off-road vehicle (ORV) damage that has occurred in the Wishbone Hill and Purinton Creek area.

However, the initial focus should be on the Jonesville Public Use Area (JPUA). The Matanuska-Susitna Borough (MSB) has the understanding that after the Moose Range Management Plan is in place, the State and MSB will develop a Management Agreement authorizing the MSB to manage JPUA, a sub-unit within the Moose Range management area.

In 2020, the MSB adopted Resolution 20-072 appropriating \$1.5 million to dedicate to the JPUA. According to the informational memorandum (IM 20-144), the funding is intended for the construction and management of the public use area, and to leverage additional Federal, state, and private funding. According to the IM, the funds are to be held by the MSB until an operating plan detailing costs, developed in discussion with DNR, is developed. The IM also noted that

DNR pays \$104,000 for a staff member dedicated to the Knik River PUA and an additional \$150,000 to State Troopers for an increased presence there.

There is currently significant funding from the federal government for infrastructure, including for trails and culvert replacement.

There is currently also a well-trained policing force under Chickaloon Village Traditional Council (CVTC), who have undergone the same training as State Troopers.

I would strongly suggest that DNR match the \$1.5 million held by the MSB, and use the combined funds to

- a) Fund enforcement for 5 years, partnering with CVTC to reduce costs and provide a local on-call presence.
- b) Develop a Trails Management Plan for the entire Moose Range, potentially using the combined funding to leverage funds from organizations such as the Nature Conservancy, Ducks Unlimited, and other groups.
- c) Fund a shooting range and camping facility within the JPUA. These are local priorities and will almost certainly be necessary for the MSB to release the \$1.5 million they hold.

**Without enforcement in place, no trails, roads, or trailheads should be developed in the Moose Range.** It is not possible for DNR to develop any of these without severe degradation by the off-road vehicle community. This has been shown over and over again in this area. It is critical that DNR understand this.

#### In-stream flow

Throughout the document, the State notes that ADFG may nominate streams for in-stream flow reservations. Please change this to “ADFG or other entities”. While ADFG nominates the vast majority of in-stream flow reservations, legally any member of the public, community/non-profit group, or Tribe may make a nomination.

#### Cultural surveys

Throughout the document, the State notes that the State Historic Preservation Officer (SHPO) may perform cultural/historic surveys. For several reasons, including state funding limitations and the vast knowledge of place held by Tribal people, surveys by Tribal Historic Preservation Officers (THPOs) should be encouraged and officially recognized. Although funding for THPO surveys may come from a variety of sources, the state should consider and encourage contracting with THPOs to perform surveys.

#### Reclaimed coal-lands

In several places, DNR notes that mining roads may be left for public recreation or may be closed to public use post-mining. It should be explicitly stated that the entire set of problems within the JPUA only exists because DNR developed roads to do reclamation work at the old Jonesville mine area, then left the roads. This attracted significant ORV traffic and essentially encouraged public



access that has resulted in the significant issues with firearms and illegal activities, in addition to the destruction of trails formerly used for horse-back riding and the proliferation of “informal” trails throughout the area. Additionally, the efforts by a mining company to block the exploration road for coal mining at Castle Mountain essentially failed, with the result that the trail to hiking areas on Castle Mountain is generally unusable without a large 4-wheeler or jeep.

DNR should be extraordinarily cautious about developing roads – for either mining or reclamation. They should be prepared to have law enforcement available to control illegal and damaging activities and/or research methods that are actually effective in preventing access.

### ADFG

Throughout the document there are references to DNR consulting with ADFG, or ADFG making recommendations. In many situations, it would be beneficial for ADFG to consult with the MSB Fish & Wildlife Commission (FWC) and potentially CVTC – for example, for habitat enhancement.

### Specific comments

#### Chapter 1

On line 5, add “high-value water bodies”.

On line 23, the public recreation uses of hiking and horse-back riding have been significantly diminished due to the illegal activities and aggressive ORV abuse of trails. There are also other uses that are recognized in Chapter 3 but not here, such as biking, winter-biking, and skiing.

#### Chapter 2

#### **Access**

Lines 64-65: I support “The State should base access for resource development on existing road systems wherever possible, rather than develop additional roads until further analysis determines the need for additional.” Today, there are “trails” that 10,000 pound vehicles use, blurring the distinction between “roads” and “trails”. The wording could be changed to “rather than develop additional roads **or trails**...”. Additionally, if existing roads cross private property landowners should be allowed to block them.

Lines 70-73, 91-98, 108-110, 181-182: I would caution that the statements I made in the comment on “Reclaimed coal lands” could apply to habitat enhancement efforts and certainly to the “placement of roads” for mining. Developing and leaving roads and trails for public access will be a public benefit and/or minimize impacts to fish, wildlife, and habitat only if aggressive and illegal activities can be deterred.

Lines 101-102: DNR needs to research whether there are methods of closing roads that will actually be effective in this area.

Lines 186-190: Development of roads and trails should never take priority over protection of fish and wildlife resources.

### Commercial Recreation Use

Lines 223-224: I strongly support the sentence about promoting respectful use of the land!

### Cultural and Heritage Resources

I strongly support having lands reviewed for potential conflict with cultural resources (lines 262-263). However, the Ahtna (Dene') people have thousands of years of use within the Moose Range, and should be contacted during the initial planning phase of any project. In particular, any THPOs, who have specific training in cultural surveys in addition to being guided by deep knowledge of how the area was used, should be consulted. Lines 272-273 should be amended to read "If a cultural resource survey is required, the survey shall be completed by a qualified DNR personnel, **Tribal Historic Preservation Officer**, and/or private cultural resource contractors.

### Fish and Wildlife Habitat and Harvest

Line 362: This correctly acknowledges that Chinook (king) salmon fishing is not permitted in the Moose Range. However, this is not at all clear throughout the rest of the document, particularly in Chapter 3 discussions of Moose Creek, Chickaloon River, and other streams. Please make this statement at all points in the document where streams with king salmon are mentioned.

Line 384, 414: I absolutely support that within the Moose Range and JPUA moose and grouse habitat protection and enhancement activities should be the priority over timber and public recreation!

Lines 400-402: This is an example of where the document states that "DNR in consultation with ADFG" should identify areas where habitat enhancement should not occur – but consultation could benefit from including the FWC and CVTC.

Line 520: Please replace "significant mineral value" with "mineral reserves".

### Forestry

Lines 580-581: I agree that timber harvest should be determined primarily through consideration of habitat needs of wildlife.

### Material sources

I agree with the statements in lines 671-677 that material extraction should be discouraged in the Moose Range. However, floodplain sites may not be good material source locations (lines 687-688); as the area becomes warmer and wetter, those areas may be particularly important



for retaining high water. Any extraction that occurs should plan for flooding and design the site to reduce impacts from high water and flashy water events, to control the water rather than worsen the situation for nearby properties. My repeated comments about access/roads/trails applies to lines 704-705.

Line 658: Please remove “peat” from the list. It may be particularly destructive to access and mine areas with peat. Additionally, it likely has greater value in the ground absorbing carbon than as a retail product. Peatlands can also be difficult to reclaim. Please consider explicitly stating in the document that peat-extraction will not be allowed in the Moose Range.

Line 715-716: Regarding site reclamation, the site should not only be revegetated but the hydrology should be restored and roads/trails into the site should be destroyed if there is no method of enforcing legal activities and reducing conflicts by user groups.

Lines 718-721: Regarding water bodies, please expand on areas prohibited to gravel mining to ensure gravel extraction does not affect the hyporheic zone, the area where surface and groundwater mix and an area critical for fish egg incubation and juvenile fish movement. Due to the extensive alluvial material in the subsurface, gravel extraction (and other subsurface mining) can affect groundwater and the hyporheic zone far beyond the localized extraction site.

### Public Use Sites

Lines 753-754: I support the restriction of discharging weapons at public use sites.

### Recreation

Lines 781-790. I absolutely support these goals. They should be the priority for the entire plan, and for funding.

Lines 816-821: I support upgrading established sites at Long Lake and King Mountain. To my knowledge, there is no Moose Creek State Recreation Area. Possibly DNR is referring to the campground on Moose Creek by the Glenn Highway that is co-managed by the MSB and CVTC.

Lines 834-836: I support not developing commercial recreation facilities in the Western, Middle, and Eastern Management Subunits.

Lines 846-847: I support banning the discharge of firearms except in designated areas.

Lines 859-866: **I strongly support this section.** DNR and law enforcement presence is a high priority, and I’m glad to see that DNR will coordinate with the MSB and CVTC “where appropriate”. Again, please note that CVTC has well-trained policing staff that can assist the State.

Lines 898-916: **I strong support this section.** A Trails Management Plan (TMP) in combination with law enforcement is exactly what is needed. Again, I would re-iterate that the “need” for trails should never trump habitat. Although I strongly support decommissioning trails that are causing resource damage, I again re-iterate the difficulty of actually achieving this. Where “formal” trails are “removed”, informal trails will sprout. It is worth considering a variety of “what-if” scenarios when considering what might be effective decommissioning mechanisms.

## Subsurface Resources

### *Coal-lands*

Throughout the document, coal reserves are referred to as “high-value”, “medium-value”, or “low-value”. Please change this to “high-grade” (e.g. anthracite reserves), “medium-grade”, or “low-grade” based on the hardness and BTU-quality of the coal. Grade is something that can be quantified; value changes with the market and other forces. No coal reserves in the Matanuska are economic to mine at this point in time, and for at least the past decade, therefore they have no “value”. The inability to mine reserves economically was mentioned only once in the Plan, on line 944.

### *Coal section*

Thank you for acknowledging that “The Matanuska coal field is among the smallest in Alaska and by itself could not sustain long-term large-scale production for export” (lines 943-944).

However, I have no idea what is behind the statements that “The market for Alaska coal could be much stronger in the future ” and “under favorable conditions, a coal lease in the Moose Range and PUA may be brought to production in six to ten years”. There has not been an export market for Alaska coal for about a decade, when the Seward coal terminal was closed. There is very little interest in coal. Countries that are interested in coal, such as Indonesia and India, are mining it themselves or getting it from areas that are closer, such as Australia. The only possible feasible market would be very small-scale to people within the local area.

The area has also seen significant increase in the growth of residential areas around the current coal lease. Residents have consistently voiced their objection to coal mining, as has CVTC. Coal mining in close proximity to residences and a Tribal school is not compatible use.

Additionally, there are wetlands within the coal lease area – developing coal would go against the stated objective to protect wetlands, which are critical parts of fish habitat.

I strongly disagree with “Allow and encourage development of coal and other subsurface resources” (line 956). The public would be much better served by allowing the area to be designated as Habitat and Recreation (dispersed and public use).

Surface coal mining permits (lines 977-988) have not prevented the degradation of mined land in the area, and, worse, have opened it up to the illegal and aggressive activities that have forced the MSB and State to have to create the JPUA as a first step to address the issues. It is relatively easy to re-vegetate coal-mined lands. It is much harder to restore the hydrology, or prevent access to those lands once opened. If lands are mined, it is perhaps more important to ensure they are returned to hydrologic function than to vegetate them (lines 957-961, 1009-1017). If the hydrologic function is restored, and there is soil, vegetation will follow.



Line 1064-1065: Regarding protection of mineral licks, I again re-iterate the difficulty in “deactivating” (decommissioning, removing) roads. Barriers, when erected on the exploration road at Castle Mountain, were torn down.

Lines 1072-1081: I’m glad to see that wide buffers are required around mineral licks.

### Trails

I agree with virtually all of this section. It is good to see the acknowledgement of the degradation to trails, wetlands, and streams in the Moose Range from ORV use (lines 1106-1109). I absolutely agree that trails incompatible with Plan goals should be closed or decommissioned (lines 1121-1122) – while re-iterating that enforcement will be required for that to work. I also strongly support the section on Managing Trail Use (lines 1128-1142), including the resolution options of seasonal use restrictions, relocation/reclamation and closure of trails.

**Please note that many “trails” identified as RS2477 in this Plan have not been surveyed (line 1093). This includes trails that cross Native Allotments and private land, and that go into BLM lands selected by both the State and Native Corporations. Until these trails are surveyed and the locations/routes confirmed, private landowners (including on Native allotments) should have the right to block public access.**

**Please also note that the western section of the trail listed as “Wishbone Mine Trail” is in wetlands.** This should be listed as a “winter access” trail to prevent people from attempting to use it in summer or fall, and causing further degradation.

Please refer to Pat Owens’ comments for the discussion of trailheads!

### Water, Wetlands, and Waterbodies

I strongly support the riparian buffers. Please acknowledge that riparian buffers are critical areas for wildlife movement, bird nesting, and support the insects that fish rely on for food. Please acknowledge the importance of wetlands as fish habitat.

Line 1189: Please note that the headwaters of Moose Creek, although once glacial, are no longer glacially-fed. The ice field has retreated.

Lines 1241-1251: Please remove the option to use pesticides and herbicides for invasive species control; an analysis of potential negative impacts to beneficial insects, beneficial plants, and water should be conducted prior to any pesticide or herbicide use in riparian buffers.

### Chapter 3

Throughout the chapter, there is mention of streams that have Chinook (king) salmon, and managing the streams for them (as well as other salmon). However, only once in the entire report is it mentioned that king fishing is prohibited in the Moose Range (line 362 of Chapter 2). It would be helpful to re-iterate that within the Chapter 3 discussions of each Management Subunit. For example, on line 260-263 “The subunit will be managed to allow continuation of....sportfishing for anadromous, resident, and stocked fish” should add **“except fishing for kings, which is prohibited in the Moose Range”**.

Also, the importance of raptors and waterfowl (which migrate through or nest in the area) is noted in the Plan in Chapter 2, but there is no mention of them in Chapter 3. Management guidelines should mention protecting the habitat for these important groups, which are highly-valued for bird-watchers and residents.

### **Western Management Subunit**

Line 166-174: I strongly agree with the management intent in the Western Management Subunit for enhancing browse-producing habitat, and restricting motorized vehicle to designated, hardened routes.

Lines 208-211: I strongly agree with leaving upper Moose Creek undisturbed with no new trails or roads.

Lines 239-244: I reiterate my comments about having THPOs perform cultural surveys.

Lines 246-259: The JPUA Management Plan developed by the MSB and community volunteers notes the importance of waterfowl nesting areas that should be protected from blasting, noise, vegetation clearing, and boat traffic. While the focus was on the JPUA, it should apply to the Western Management Subunit as well.

Line 254: I strongly support maintaining and protecting buffers, riparian habitats, and in-stream flow along Moose and Wasilla Creeks.

Line 271: Please state that pesticides will be used as a final option if other techniques have been tried and failed.

Line 273-275: ADFG “may ....develop recommendations for field investigations” should be in consultation with FWC and CVTC.

Line 309: ADFG “may establish instream flow needs...” should be **“ADFG or other entities may...”**

### **Jonesville Management Subunit**

I agree with the section on “Incompatibility Determination” and the “Management Intent” for J1, J3, and J4. I would strongly argue that the public would be better served by removing “Coal” as a Land Use designation in section J2. I also re-iterate previous comments about the difficulty of restoring hydrology and preventing degradation from aggressive public use post-mining. Additionally, development of facilities for public use at Slipper Lake in J4 will be unsuccessful unless there is a land manager and/or enforcement.



I agree that DNR needs to research the validity of rights-of-way (lines 495-500). I would strongly suggest that new trailheads (line 501) NOT be developed until/unless there is an established enforcement presence, and that similarly the development of non-motorized trails (lines 504-507) will fail and become motorized unless there is an enforcement presence.

Regarding cultural/heritage sites (lines 521-522), I re-iterate that the State should acknowledge the depth of knowledge held by Tribal people and allow THPOs to perform cultural surveys. Similarly, recommendations by ADFG (line 549) should provide a suggestion that ADFG also work with the FWC and CVTC, particularly since CVTC is leading efforts for fish passage restoration and has significant funding to do so.

I support developing public use sites at Slipper Lake and Wishbone Lake (lines 584 and 586).

On Map 6, please remove the “Wishbone Mine Trail” or designate it as a winter trail.

Line 645: Please replace “high value” coal resources with the coal grade – there is little economic value to them.

Lines 657-666: I re-iterate comments about the difficulty of restoring hydrology and will add the difficulty of restoring wetlands. I re-iterate comments about the difficulty of removing roads or preventing aggressive and illegal use of them post-mining without enforcement.

Lines 671-674: Please change the wording to “ADFG **or other entities** may establish instream flow needs...”

### Middle Management Subunit

I’m glad that DNR is acknowledging the potential for future pressure in this area. It appears that there are no plans to add new facilities (lines 726-732, lines 858-859), which, as a resident in the area, I agree with. I re-iterate the need to have THPOs perform cultural surveys in the area (lines 790-807).

DNR needs to review what is actually public access to the Moose Range from the Chickaloon area (lines 751-761). There is no public access from Fish Lake Subdivision Road, and “access” via Castle Mountain “mine” road and Chickaloon River road go through private property. The RS2477’s listed on the map have yet to be surveyed, so the routes – and therefore the right of the public to access areas – is not established. If surveys are completed and public access is granted, enforcement will be necessary to prevent route degradation from large ORV’s and jeeps. I am a strong supporter of public access to public lands, but too often it results in aggressive use of trails, virtually eliminating the ability of people who want to participate in hiking, berry-picking, bird-watching, snow-shoeing, and other activities from using them.

Please be completely clear in Plan text and maps about which RS2477 trails have actually been surveyed.

Lines 733-737: I would strongly like to see all of Castle Mountain removed from the area open to locatable mineral entry.

Lines 809-827: Please acknowledge the importance of migratory birds in this area, particularly at Fish Lake. Virtually every migratory bird species in Alaska passes over or uses Fish Lake. It is a very special area.

Line 890: Please change to “ADFG **or other entities** may establish instream flow needs...”

### Eastern Management Subunit

This section mentions the Chickaloon River as a whitewater boating opportunity (lines 907-908). However, rafters that have attempted to access the river need to cross private lands, including from outside the Moose Range boundaries. This has resulted in conflicts. It would be great to see this resource developed, and I would support DNR working on conflict resolution with private landowners and with CVTC. Similarly (lines 948-956), DNR states that the “public has traditionally used” Chickaloon River road to access the Moose Range. To my knowledge, it is all private property between Chickaloon River road and the Moose Range. I strongly support “the state will verify and assert the public rights of way as needed” – particularly the “verify” part. Until then, the rights of private land owners to prevent public access through their lands should be respected. Again, in theory I support the concept of public access, but in this area it has been highly abused.

Lines 959-960: I cannot support “DNR will coordinate with BLM to provide public access through Native allotments and Native-selected lands”. Any consideration of crossing Native lands should be in consultation with the LAND OWNER, including individual property owners (Native allotments) and Native corporations (Native-selected BLM lands). I strongly disagree with State and Federal entities making decisions about Native lands without their consultation and agreement.

Lines 913-914: I am NOT in favor of upgrading and improving access and recreation facilities until/unless enforcement is in place.

Lines 964-975: I re-iterate my comment about THPO surveys.

Lines 1046-1049: It is interesting the DNR chooses this section to note that “coal resources...would be difficult and expensive to develop.” The same could certainly be said of attempting to develop coal resources at Castle Mountain.

Line 1059: Please replace with “ADFG **and other entities** may establish instream flow needs...”



**From:** [Norm Lawler](#)  
**To:** [Maija DiSalvo](#)  
**Subject:** Re: Fish & Wildlife Commission meeting comments 10/19/23  
**Date:** Wednesday, November 15, 2023 11:03:55 AM

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

Thank you Maiji,

For your thorough response in spite of weather delays and busy schedule prior to tomorrow's meeting. No apology necessary, options you've provided for remote participation are a great relief.

Please accept my additional comments to be included in the supplemental handout regarding the Beaver Meadows Subdivision, proposed resolution to MSB Platting Board, Mayor, Manager, & DNR. I'd like to add & include them again here in case connecting remotely is interrupted and in keeping with your description of the proposed resolution's path & tomorrow's meeting agenda. I'll try connecting via phone.

For written comment Thursday, 11/16/23 MSB FWC meeting:  
Beaver Meadows Subdivision, proposed resolution to MSB Platting Board, Mayor, Manager, & DNR requesting support for the 2009 Big Lake Comprehensive Plans's designation as "Public Recreation Land" rather than DNR LCS's reliance on the 2008 Southeast Susitna Area Plan's "Settlement Land" and should DNR continue to designate as Settlement Land, support the state retained land buffers for Meadow Creek, Ryan' Creek, & the unnamed stream be extended to include the continuous full width of existing wetlands uninterrupted by any high creek banks or uplands as a corridor protecting the heart of the Fish Creek Sockeye Fishery rather than DNR LCS's proposed 200 ft. maximum state retention.

Looking forward to tomorrow's opportunity. Your efforts are most appreciated.  
Norm Lawler

On Wed, Nov 15, 2023 at 10:18 AM Maija DiSalvo <[Maija.DiSalvo@matsugov.us](mailto:Maija.DiSalvo@matsugov.us)> wrote:

Thank you for the email Norm!

The Commission asked to keep Beaver Meadows on the agenda until DNR releases their final decision. At this time I don't have anything to report, so there may not be discussion from the Commission at this meeting. You are of course welcome to attend regardless and are welcome to offer additional public comment if you'd like.

Either phone or via Teams will work great, it's whatever is most convenient for you. Since it is a ways down on the agenda, you would probably not need to pop on right away, but that is totally up to you. I anticipate significant discussion on all of the Unfinished Business items ahead of the Beaver Meadows Subdivision. If it's not convenient for you to be online or on the phone and you would instead like to include a written comment, I can also include that

**From:** [Payton, Israel P \(DFG\)](#)  
**To:** [Maija DiSalvo](#)  
**Subject:** RE: Instream Flow  
**Date:** Monday, November 13, 2023 1:10:57 PM  
**Attachments:** [image001.png](#)

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

Hi Maija,

Thank you for reaching out, congratulations on your new position with the MSB Fish and Wildlife Commission, I look forward to our meeting in December.

The Alaska Department of Fish and Game (ADF&G) mission is to protect the fish, game and habitat resources of the state and we will continue to do so. We are currently still collecting hydronic /water flow information to be used as part of the Department's Title 16 permitting authority which may include the application of a IFR.

For a point of clarity, DNR is the responsible agency for issuing instream flow reservations (IFR). The statute allows for **any** entity or individual to apply for IFRs not just the State. Most of the statements in the forwarded email will need to be addressed by DNR, I would suggest reaching out to DNR Mining, Land, and Water (MLW) Director Christy Colles. [christianna.colles@alaska.gov](mailto:christianna.colles@alaska.gov)

Thank you and let me know if you have any other questions as it relates to the Division of Sport Fish.

Israel Payton  
Director- Division of Sport Fish  
Alaska Department of Fish and Game  
1801 South Margaret Dr, Suite 2  
Palmer, AK 99645  
Office 907-267-2814  
Cell 907-764-0183  
[israel.payton@alaska.gov](mailto:israel.payton@alaska.gov)



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**From:** Maija DiSalvo <Maija.DiSalvo@matsugov.us>  
**Sent:** Friday, November 3, 2023 10:04 AM  
**To:** Payton, Israel P (DFG) <israel.payton@alaska.gov>  
**Subject:** FW: Instream Flow



Planner II – Planning & Land Use Division  
Matanuska-Susitna Borough  
[majja.disalvo@matsugov.us](mailto:majja.disalvo@matsugov.us)  
907-861-7865

[This message was sent BCC to FWC members]

This is the correspondence I received from Becky Long that she requested I forward to FWC members. RE: Instream Flow Reservations

-----Original Message-----

From: Bee Long <[woodyfiber17@gmail.com](mailto:woodyfiber17@gmail.com)>  
Sent: Thursday, September 28, 2023 1:34 PM  
To: Theodore Eischeid <[Ted.Eischeid@matsugov.us](mailto:Ted.Eischeid@matsugov.us)>  
Subject: My take-Instream Flow Debacle

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

The State of Alaska Reservation of Water Program is suspended.  
Instream Flow Reservations  
What I know.

The Alaska Reservation of Water Program, Water Resources Section, Division of Mining, Land and Water, Department of Natural Resources is suspended. This applies to the Alaska Department of Fish and Game who have filed many of the Instream Flow Reservations (ISR) in the state.

The current ISR certificate of water rights still stand. For instance, the Susitna Basin Recreation Rivers legislatively mandated ISRs that were done for the Recreation Rivers. They will stand.

But no new applications will be accepted.

The mandated Ten-Year Review Process is suspended. Reviews will not go out to public notice. That means no final Finding accepted and thus no conclusion to the Review Process.

It also means, I think, that the appeals of Final Findings will be suspended i.e., no agency work follow-up. The Alaska Miners Association has appealed 3 Anchorage area 10-year instream flow reviews. They also appealed the recent Talkeetna River Review which came out on 11/14/2022. The Susitna River Coalition, the Chickaloon Village Traditional Council, Trout Unlimited, Geo-watershed Scientific and individuals such as myself also filed comments in the Talkeetna River LAS 13228 review.

On the Coastal Plain of the Arctic National Wildlife Refuge, 152 U.S. Fish and Wildlife Service applications for ISRs have been pending ADNR adjudication since 1994. These are for 140 lakes, 12 streams and 116.7 river miles. How will this

state suspension affect the federal agencies like US FWS and BLM with their current supplemental EIS for Coastal Plain Oil and Gas Leasing Program? Those pending ISR were given priority rights. Probably nobody knows the answer.

The ISR program is under statute AS 46.15.145 which is the Alaska Water Use Act. It is: "...to reserve sufficient water to maintain a specified point on a stream or a body of water, or in a specified part of a stream throughout a year or specified time." The purposes are:

- Protection of fish and wildlife habitat, migration and propagation
- Recreation and park purposes
- Navigation and transportation purposes
- Sanitary and water quality purposes

I think this suspension is coming from the DNR and ADFG Commissioners Office. One reason given is that Title 16 Habitat Permits are doing the same thing as the ISR program. So, it is not needed nor the expense. Of course, I am no expert. But title 16 habitat permits do not set seasonal cubic feet per second parameters for water flows as far as I know.

My guess is that this upcoming legislation session there will be attempts to totally eliminate ISRs. Could be buried in a bill. So, for now it is a learning curve. To the best of my ability, the above is right.

Becky Long

**From:** [Colles, Christianna D \(DNR\)](#)  
**To:** [Maija DiSalvo](#)  
**Cc:** [Barrett, Tom R \(DNR\)](#); [Sager, Kimberly R \(DNR\)](#)  
**Subject:** RE: Instream Flow  
**Date:** Monday, November 13, 2023 1:21:05 PM

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

Hi Maija,

Thank you for your email. Kim Sager also received your request for information, please consider this a response from both her and I on your inquiry.

Currently, the Department of Natural Resources, Water Resources Section (Department) is out for public notice for proposed water regulation changes within 11 AAC 93 regarding generalized updates/edits and modernization of the law. The Department has excluded any proposed changes to regulations regarding the Reservation of Water Program (IFR) due to the high response previously received in 2021. The Department will provide a scoping process at a later date in 2024 to address the IFR regulations. Since the department may potentially be changing some of the IFR regulations, the IFR program has been placed in pending status for moving forward with current adjudications of new applications, as well as 10-year reviews until regulations have gone through the scoping process and any changes, should they occur. This will insure that adjudications follow a publicly vetted and updated process. The Department will continue to accept application submissions, with the caveat that applications are not being adjudicated at this time.

Regarding public notice of active regulation changes, the Department is in a quiet period, so any questions will need to go through Program Support contact, Molly Benson [[molly.benson@alaska.gov](mailto:molly.benson@alaska.gov) or 907-269-8601]. Any information or questions regarding ADF&G should be directed to the ADF&G Division of Sport Fisheries Director, Israel Payton [[israel.payton@alaska.gov](mailto:israel.payton@alaska.gov) or 907-267-2814].

Sincerely,

***Christy Colles***

*Director*

*Division of Mining, Land and Water*

*Office Phone: (907) 269-8625*

*Cell Phone: (907) 744-4930*

*Email: [Christianna.colles@alaska.gov](mailto:Christianna.colles@alaska.gov)*

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**From:** Maija DiSalvo <[Maija.DiSalvo@matsugov.us](mailto:Maija.DiSalvo@matsugov.us)>  
**Sent:** Monday, November 13, 2023 1:13 PM  
**To:** Colles, Christianna D (DNR) <[christianna.colles@alaska.gov](mailto:christianna.colles@alaska.gov)>  
**Subject:** Instream Flow