

MATANUSKA-SUSITNA BOROUGH

FISH & WILDLIFE COMMISSION RESOLUTION SERIAL NO. FWC 23-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION MAKING RECOMMENDATIONS ON THE PROPOSED WATERBODY SETBACK ORDINANCE 23-002.

WHEREAS, the Matanuska-Susitna Borough has a vested interest in utilizing science-based standards and forward-looking policies to help ensure a balance between the critical fish and wildlife resources of the region with other needs of the population; and

WHEREAS, the importance of riparian setbacks is recognized by the State of Alaska for timber harvest to protect fish habitat and water quality at ponds, lakes, and streams with high value fish (AS 41.17.115a, AS 41.17.950, AAC 95.185a); and

WHEREAS, this is accomplished by requiring a no-cut zone within 100 feet of the shoreline of lakes and ponds or 150 feet of the shoreline of streams with high-value fish (AS 41.17.116b, AS 41.17.950); and

WHEREAS, the Matanuska Susitna Borough is charged by the State of Alaska with Land Use Planning and Implementation; and

WHEREAS, Title 15 of the Borough Code contains a multitude of plans containing statements, goals and objectives about the protection of water quality and shoreline habitat; and

WHEREAS, Title 17 of the Borough Code contains only two sections with minimal regulations concerning waterbody setbacks; and

WHEREAS, the current Matanuska-Susitna Borough code that requires a 75' waterbody setback has been in place since 1973, was reduced to a

45' setback in 1986 but then reinstated back to a 75' in 1987 by voter initiative; and

WHEREAS, the Borough has also conducted a multitude of studies and adopted or facilitated other documents and partnerships concerning waterbody setbacks, protection of water quality and shoreline habitat, which this ordinance is inconsistent with, including:

1. Voluntary Best Management Practices for Development Around Waterbodies
2. Economic Benefits of Sport Fishing in the Mat-Su
3. Shoreland Setbacks Analysis and Recommendation, 1999
4. "It Takes Fish to Make Fish" Board of Fisheries Booklet
5. Mat-Su Basin Salmon Habitat Partnership goals, plans and projects
6. Various other studies, publications and partnerships facilitated by the borough; and

WHEREAS, proposed Assembly Ordinance 23-002 Setback Ordinance Change is inconsistent with the 2005 overall Mat-Su Borough Comprehensive Plan and other planning documents the borough has adopted or facilitated; and

WHEREAS, proposed Assembly Ordinance 23-002 and the associated IM 23-002 do not contain justification for its adoption; and

WHEREAS, the Matanuska-Susitna Borough has spent over \$20 million on aquatic restoration projects in the borough, replacing more than 100

culverts that have restored over 67 stream miles and 6,224 lake acres of anadromous fish habitat; and

WHEREAS, healthy shoreline habitat not only supports our fish and wildlife, but ensures clean water for our communities, key economic opportunities for Alaskans and an effective way of preventing and mitigating floods; and

WHEREAS, economic studies in our region in 2007 and 2017 show the significant positive economic impact sport fishing has on the economy of the MSB, including \$56 million in direct spending benefits to the MSB in 2017 alone, with additional economic benefits from healthy wildlife populations, both of which require adequate habitat locally; and

WHEREAS, an intent of waterbody setbacks is to protect life and property that support a high quality of life while helping maintain clean water and quality fish and wildlife habitat; and

WHEREAS, the Matanuska-Susitna Borough is home to roughly 15% of the state's population and covers over 25,000 square miles, and continues to be the fastest growing region of Alaska with abundant aquatic resources encompassing two major river systems, all six of the Alaska-designated recreation rivers, and contains a multitude of lakes, rivers, and streams supporting fish and wildlife; and

WHEREAS, the Matanuska-Susitna Borough projected growth will increase by approximately 38% by 2050; and

WHEREAS, the Matanuska-Susitna Borough Planning Department estimates that approximately 700 lake shore structures are currently in violation; and

WHEREAS, the Borough Assembly established the Matanuska-Susitna Borough Fish and Wildlife Commission 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"* and to *"advise the assembly and the borough manager on any other... areas concerning fish, wildlife, habitat, administration, application, enforcement, or appointment... the borough should take on fish, wildlife, or habitat issues"*.

NOW, THEREFORE, BE IT RESOLVED, that the MSB Fish and Wildlife Commission hereby opposes the adoption of Ordinance 23-002; and

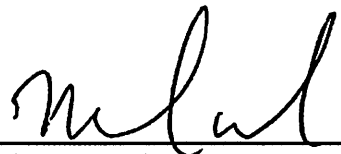
BE IT FURTHER RESOLVED that the commission recommends the Assembly fail the ordinance in its current format; and

BE IT FURTHER RESOLVED that the commission recommends the Assembly direct staff to prepare an ordinance that will:

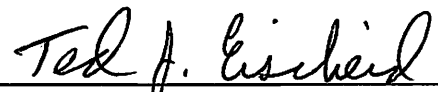
1. Keep the current required 75-foot waterbody setback for all water bodies;
2. Recognize that the borough wishes to provide a reasonable option for resolution of previous and potential future waterbody setback violations;

3. Recognize that the waterbody setback by itself does little to accomplish reasonable protection of surface and sub-surface water quality, waterbodies, shoreland habitat, and critical fish and wildlife resources;
4. Recognize the importance of choosing development options that minimize impacts to critical fish and wildlife resources while appropriately managing the impacts from potential nonpoint source water pollution using best management practices whenever possible like bio-swales or buffers of natural vegetation that help intercept polluted runoff;
5. For existing structures with a waterbody setback violation, provide a path to compliance through adoption of shoreland and non-point source pollution mitigation measures;
6. For new development, allow a variance to waterbody setbacks if proper shoreland and non-point source pollution mitigation is required;
7. Re-institute the mandatory land use permit as a means to improve code compliance and inform and require all future development to be consistent with setbacks and other code requirements, particularly around waterbodies;
8. Incorporate public education strategies and appropriate enforcement options for infractions.

ADOPTED by the Matanuska-Susitna Borough Fish and Wildlife
Commission this 2nd day of February, 2023.


Mike Wood, Chair

ATTEST:


Ted Eischeid, MSB Staff