

SUBJECT:

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING RESOLUTION SERIAL NO. 19-074 AND DIRECTING BOROUGH STAFF TO DIRECT EFFORTS ELSEWHERE.

AGENDA OF: December 15, 2020

Assembly Action:

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY GEORGE HAYS, ACTING BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	LM/NS	For Assemblymember Sumner
	Borough Attorney	NS	
	Borough Clerk	gmm 12/7/20	RSJ

ATTACHMENT(S): Fiscal Note: YES _____ NO X
 Resolution Serial No. 20-123 (1 pp)
 Previously Enacted Resolution No. 19-074 (5pp)

SUMMARY STATEMENT: This resolution is sponsored by Assemblymember Sumner.

On August 6, 2019 the Matanuska-Susitna Borough Assembly passed Resolution Serial No. 19-074. The resolution directed Borough staff to engage in "exploring supplemental wetland mitigation for projects with input from state and federal agencies that currently review and comment on large projects that require United States Army Corps of Engineers approval." The title of the resolution also refers to "large scale development projects."

However, developing supplemental wetland mitigation regulations at the local level results in duplication of efforts. It is unnecessary to have overlapping regulations at a local level and it is burdensome, wasteful, and bureaucratic to do so. In the past 18 months, the Borough Planning Department has already taken on new work on several new areas such as establishing a municipal

planning organization, establishing an MS4 permit system, taking the lead on the bids for the Arctic Winter Games, and most recently, implementing a new shooting range permit system. Regardless of whether these other projects ultimately come to fruition, the point is that the planning staff is already devoting resources to these other areas. There is also a concern over in-house technical expertise necessary to adequately assess and evaluate a wetlands application. The US Army Corps of Engineers is the agency charged with evaluating wetland permits and has expertise to do so.

The Matanuska-Susitna Borough will be facing an ever increasing budget tightening due to the funding shortfalls from the state. Rather than add staff or contractors, the Borough should stop pursuing local wetlands regulations. This will also free up staff to focus their efforts on other projects and potentially cancel contracts related to those other projects and bring that work "in-house" instead.

Rather than establishing and implementing another set of regulations, the Borough can protect the public interest by monitoring projects, actively engaging with the US Army Corps of Engineers, and, if appropriate, filing comments with the Corps about projects within the Borough. The Manager can receive future direction regarding comments to the Corps on any large scale project in the Borough by bringing the appropriate resolution(s) to the Borough Assembly. This has never been done before.

In repealing Resolution Serial No. 19-074, the Borough Assembly is directing staff to stop working on supplemental wetland regulations at the local level and direct efforts and resources elsewhere.

RECOMMENDATION OF ADMINISTRATION: Adoption of resolution.

Adopted: 08/06/19

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 19-074**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO CONTINUE DEVELOPING PROVISIONS FOR SUPPLEMENTAL WETLAND MITIGATION FOR LARGE-SCALE DEVELOPMENT PROJECTS THAT IMPACT WETLANDS AND SALMON HABITAT IN THE BOROUGH.

WHEREAS, salmon fish populations in Borough rivers and streams have seriously declined over the past 30 years where 8 of the 16 salmon stocks of concern within the state of Alaska lie within the Borough; and

WHEREAS, the Borough was one of four originating organizations that established the Matanuska-Susitna Basin Salmon Habitat Partnership that has grown to over 60 organizations and individuals dedicated to restoring and sustaining our salmon runs; and

WHEREAS, the Borough Fish and Wildlife Commission was created in February 2007 to represent the interests of the Borough in the conservation and allocation of fish, wildlife, and habitat; and

WHEREAS, the Fish and Wildlife Commission has made positive strides in directing funds to local fisheries research and fish passage projects while encouraging stakeholder groups to prioritize fishery needs in Upper Cook Inlet and its critical watersheds; and

WHEREAS, the Matanuska-Susitna Borough Fish and Wildlife Commission has successfully worked with the Alaska State

Department of Fish and Game and the Alaska State Board of Fisheries to improve salmon returns for the Borough; and

WHEREAS, the Commission and the Borough continue to support robust opportunities for sport, subsistence, and personal use fisheries in the Borough and recognize the importance of restoring historic health to threatened fisheries and the associated wetlands that remain critical for supporting salmon populations; and

WHEREAS, the Borough Fish and Wildlife Commission recognizes the need for new development that may sometimes impact wetlands while supporting the concept of avoiding, minimizing, and mitigating these impacts; and

WHEREAS, some major developments that require wetland protection or mitigation may not be fully addressed by other agencies and regulatory bodies; and

WHEREAS, the Assembly hosted a work session with the United States Army Corps of Engineers, United States Environmental Protection Agency, Borough Fish and Wildlife Commission, Alaska State Department of Fish and Game, and Ms. Gail Terzi, Wetland and Compensatory Mitigation Specialist, in March 2019 to explore critical issues for sustaining salmon and their habitat within the Borough; and

WHEREAS, it was clear at the close of the work session in March that all agencies were open to the Borough having a role in mitigation; and

WHEREAS, the Borough Fish and Wildlife Commission approved resolution FWC 19-03 in support of the Borough being able to provide supplemental wetland mitigation, in addition to agencies and regulatory bodies, as they do in many other cities and counties across the United States, in order to protect, enhance and restore salmon populations in the Borough as it continues to develop and grow; and

WHEREAS, the Borough hosted the Principal Deputy Director for the United States Fish and Wildlife Service, along with other members of the Matanuska-Susitna Salmon Habitat Partnership, to review the activities that are now in progress to keep our salmon populations sustainable; and

WHEREAS, it is important that the Borough devote particular attention to the supplemental mitigation issue in preparation for the upcoming 3-year Upper Cook Inlet Board of Fish Meeting in February of 2020; and

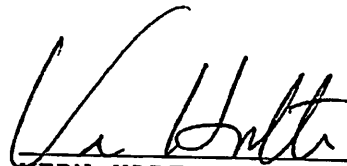
WHEREAS, the proposed Borough certification process is intended to align seamlessly with the existing federal wetland permitting process, by reviewing only large development projects and related proposal documents required by the United States Army

Corps of Engineers, without adding to staff or project length review times; and

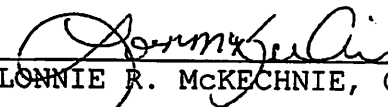
WHEREAS, the necessity for the Borough to become part of the supplemental mitigation process, like other municipalities across the United States, is being explored because all authorized impacts are not currently being offset or adequately considered for the importance of sustaining wetlands habitats that support restoration of critical salmon runs.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly supports exploring supplemental wetland mitigation for projects with input from state and federal agencies that currently review and comment on large projects that require United States Army Corps of Engineers approval. (Matanuska-Susitna Borough Fish & Wildlife Commission Resolution Serial No. FWC19-03 attached to the accompanying Informational Memorandum).

ADOPTED by the Matanuska-Susitna Borough Assembly this 6 day
of August, 2019.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

YES: Sykes, Beck, Mayfield, and Boeve

NO: Sumner, Leonard, and McKee