



Steering Committee Meeting (Virtual)

Tuesday, July 11, 2023 1:30 – 4 pm

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MEETING NOTES

Attendance:

Eric Booton, Trout Unlimited (TU)

Margaret Stern, Susitna River Coalition

Jessica Speed, TU

Ted Eischeid, Mat-Su Borough/National Fish Habitat Partnership Board

Matt LaCroix, U.S. Environmental Protection Agency

Laurie Stuart, Tyonek Tribal Conservation District

Trent Liebich, U.S. Fish and Wildlife Service

Michael Mazzacavallo, Alaska Department of Fish and Game

Sue Mauger, Cook InletKeeper

Theo Garcia, Knik Tribe

Alex Strawn, Mat-Su Borough

Andrea James, Chickaloon Tribe

Laura Pevan, Chickaloon Tribe

Michael Daigneault, U.S. Fish and Wildlife Service

Peter Probasco, Mat-Su Borough Fish and Wildlife Commission

Facilitator: Trent Liebich

Notetaker: Laurie Stuart

Introductions and welcome new Steering Committee member Pete Probasco/Andy Couch (Mat-Su Borough Fish and Wildlife Commission) (10 min)

Approve May 2023 Steering Committee Meeting Notes (5 min) **May notes*

No comments, notes approved.

Partnership Business

(A) Mat-Su Borough (MSB) Riparian Setback Ordinance. (60 min) **IM 23-112, OR 23-049,*

Partnership written and oral testimony for June 5th MSB Planning Commission meeting

- Open forum for individual partner discussion and feedback on proposed changes to the MSB riparian set-back ordinance with Alex Strawn, Planning and Land Use Director, Mat-Su Borough.

Partnership doesn't currently have coordinated technical feedback on this ordinance; this is an opportunity to provide informal comments from individual partner organizations. Perhaps, if there is time at the end of the meeting, the Partnership might consider putting together an official submission for the assembly.

Alex: Borough voted to bring back setback for 75' in July 1987.

- *Problem #1: Compliance*
Since 1987 ~ 750 homes have been built closer to the water, because the problem is only picked up during assessments; there is currently no permit/approval process for home builds. To rectify situation, solution is to move the home, which is impossible or expensive to make compliant with laws – so no stomach politically to enforce this. Homes in violation can't get loans, are unhappy about that.
- *Problem #2: To protect water quality*
Ordinance was originally intended to protect water quality, and Alex thinks it has failed to do that. Code 17.55 only regulates habitable houses and garages. Parking lots, restaurants, etc, can go closer than 75'. Nothing stops anyone from building fertilized lawn up to the lake. Only applies to lakes, not moving bodies of water. If homebuilders hired engineers to retain and treat all stormwater / runoff from development, expects policy to go back to 25' or 45'.
- *Recommendation: Alex recommends slowing down the process and creating working group. Mayor determines who is on the working group. Alex's goal today is to answer questions and get any feedback that you have.*

Peter Probasco: Agrees there is more work that needs to be done. Q: You stated again that it only applies to homes, not commercial buildings. I don't see that – what am I missing?

Alex: Page 4-5, section (D). If deleted, would broaden to all manmade structures. 17.125 defines "dwelling". This ordinance shines a light on how this is currently structured.

Peter: I hope Assembly follows your advice for working group, to harness other expertise. I fully support that concept; hope it passes.

Alex: In 1998, we hired someone to give analysis and recommendations. Still relevant. Does good job of summarizing situation and giving recommendations. Generally states that 75' doesn't really accomplish the goals, that ordinance should be more nuanced than that.

Margaret: It's been an interesting process to watch. At SRC, we are concerned about lack of enforcement and how that would be imposed. Fines seemed too paltry to make an impact. How do you go about doing that? And how to continue education for awareness of people buying property next to lakes? Think this would also benefit from working group.

Alex: I agree that enforcement in the borough has been a problem. This ordinance has been

historically difficult to enforce. I oversee borough code enforcement. You always have to think about what the remedy is. Difficult to tell people they have to move their house. Easier to tell them to hire engineer to design methods for protecting the water. Difficulty is – if people don't actually maintain these things, they will eventually fail. My goal is that we would send letter to all 750 homeowners that there is now a path forward – and that they need to hire an engineer. Believes would approve ability to conform to these laws.

Margaret: How to educate/reach out to people who have not yet purchased land?

Alex: Answer is land use permits. We had them for three years; they became normal/part of culture. Also, inform the banks/lending institutions. Let them know that this is not a blanket “you can go within 25”; it is more nuanced than that.

Matt Lacroix: Could you talk more about the compliance aspect. I'm missing something in the code. I'm reading in 17.55, if you encroach it is \$300 fine – not \$500/day. I'm not familiar with the section that says borough can tell you that you have to move your house.

Alex: I just checked - it is \$300. That could be \$300/day because it becomes new infraction each day. Worst we do is garnish PDF. Judge's order might require moving of home, increased fines. Don't think there is political will to do this with all 750 homes, but there is for requiring engineered solutions. Only knows of one circumstance that required someone to move their home – because they were informed while moving dirt, but they continued to lay footers and build the structure.

Matt: But why is there language that you may be allowed to retain your home?

Alex: That's if you built prior to 1987 (where your legal structure was made illegal by the change in rules). That does not include the 750 homes we're talking about. There are variances, require pretty rare circumstances. Very hard to get. Are many on Big Lake where there are many ¼-acre lots. Hard to get with regular sized lots.

Matt: Of these 750 structures, is there a report somewhere with an analysis of them?

Alex: We used lidar data (2019). Built footprints, water break lines. Also used assessment data. Pretty good estimate of the violations, but have not done summary report (e.g., average distance from lake, etc).

Matt: I ask because how do we know how new policy impacts the 750 structures? Green infrastructure is poor substitute for natural infrastructure. They can be effective; very heavily lean on infiltration which doesn't work if you're too close to the lake shore. So perhaps 50' allows for more compliance. Suggest as a default (during the land use permit process) that 50' is distance with 25' required to be natural vegetation. This will require analysis but perhaps not an engineer. What is low maintenance? What do we know works? Natural vegetation. Cheap to allow it to re-establish. If that's not possible (because steep slope, etc), you may need engineer to design solutions. Include snowmelt as storm water runoff, as they do in Fairbanks (rather than listing separately). So recommend requiring natural vegetation. Where not possible or more needed, then require engineered methods.

Alex: I'm going to invite you, Matt, to the working group if it's formed.

Eric Booton: Will also advocate for working group. Also want to second the recommendation for

outreach. What was the logic for allowing new construction within 25'?

Alex: There's been a lot of discussion about whether we want to apply to ones out of compliance vs those who built new. I foresee that a future assessment will put us in the same boat, finding more homes out of compliance. Want to fix the problem once and for all, solving both home loans and water quality issues. My phone number is 861-7850. Please call, wants to hear from as many people as possible. Feel free to spread it around. I know it doesn't feel good to give a path to people who built illegally, but this keeps us moving forward.

Discussion: Do we want to create a recommendation from the Partnership?

Michael Daigneault: There is certainly latitude to recommend interdisciplinary working group.

No disagreement to that suggestion.

ACTION ITEM:

- *Jessica to draft a statement for Steering Committee to review in time for Friday submission deadline (before Monday Assembly meeting). Margaret and Peter will work with Jessica.*

- (B) Updating the FY25 RFP Process for National Fish Habitat Partnership project funding through the Mat-Su Basin Salmon Habitat Partnership (60 min) *FY24 RFP materials
- a. Discussion of key updates (e.g., Partnership Priorities for FY25, and incorporation of tribal projects)

Trent; I believe all FY2023 funds have successfully been moved. Now going to talk about upcoming RFP development. Reminder that this a national pool of funds, a competitive process since 2006. Over 100 different projects funded in Mat-Su as salmon habitat restoration, over \$3M in projects with over \$15 million leveraged for those projects. Still working through changes in FHP processes, timelines, etc. This discussion is about developing RFP for projects that would be funded in FY25.

Michael Mazzacavallo: It was suggested that we start discussion early this year, so there isn't a rush to respond in next round. There has been slight to no change of our priorities for projects over the past three years. Do we want to make shifts or maintain what we have? Any interest for gap analysis? Start these conversations now rather than September. Other big objective is discussion on improving scoring metrics, specifically making it clearer how certain scores are defined, especially regarding how tribal entities are viewed and scored. Do we want to make changes or improve the current scoring guide? This powerpoint slide that Jessica shares shows the priorities we've maintained over the past three years/rounds of funding:

RFP Priors Over the Past Three Years

Points	Priority	2022 Objectives that Address: <small>*Find more detail in the Partnership's 2019 Addendum to the Strategic Action Plan, pg. 6</small>	2023 Objectives that Address: <small>*Find more detail in the Partnership's 2019 Addendum to the Strategic Action Plan, pg. 6</small>	2024 Objectives that Address: <small>*Find more detail in the Partnership's 2019 Addendum to the Strategic Action Plan, pg. 6</small>
20	High	CS2. Alteration of Riparian Areas CS4. Culverts that Block Fish Passage CS5. Filling of Wetlands CS9. Loss or Alteration of Water Flow or Volume FY22 Priority Data Gaps: <ul style="list-style-type: none"> Anadromous Waters Catalog (CS1, Obj. 1.1) Floodplain Mapping (CS2, Obj. 2.1) Identify and Prioritize Impacted Streams from ORV's (CS11) <small>*See priority data gap details below.</small>	CS2. Alteration of Riparian Areas CS3. Climate Change CS4. Culverts that Block Fish Passage CS5. Filling of Wetlands CS9. Loss or Alteration of Water Flow or Volume FY23 Priority Data Gaps: <ul style="list-style-type: none"> Anadromous Waters Catalog (CS1, Obj. 1.1) Floodplain Mapping (CS2, Obj. 2.1) <small>*See priority data gap details below.</small>	CS2. Alteration of Riparian Areas CS3. Climate Change CS4. Culverts that Block Fish Passage CS5. Filling of Wetlands CS9. Loss or Alteration of Water Flow or Volume FY24 Priority Data Gaps: <ul style="list-style-type: none"> Anadromous Waters Catalog (CS1, Obj. 1.1) Floodplain Mapping (CS2, Obj. 2.1) <small>*See priority data gap details below.</small>
15	Medium	CS3. Climate Change CS7. Aquatic Invasive Species CS6. Impervious Surfaces CS1. Overarching Applied Science Strategies <ul style="list-style-type: none"> Obj. 1.2 – Habitat Quality Obj. 1.3 – Surface and Groundwater Studies Obj. 1.4 – Water Quality Monitoring 	CS8. Large-scale Resource Development CS7. Aquatic Invasive Species CS6. Impervious Surfaces CS1. Overarching Applied Science Strategies <ul style="list-style-type: none"> Obj. 1.2 – Habitat Quality Obj. 1.3 – Surface and Groundwater Studies Obj. 1.4 – Water Quality Monitoring CS11. Motorized Off-road Recreation	CS8. Large-scale Resource Development CS7. Aquatic Invasive Species CS6. Impervious Surfaces CS1. Overarching Applied Science Strategies <ul style="list-style-type: none"> Obj. 1.2 – Habitat Quality Obj. 1.3 – Surface and Groundwater Studies Obj. 1.4 – Water Quality Monitoring CS11. Motorized Off-road Recreation
10	Low	CS8. Large-scale Resource Development CS10. Loss of Estuaries and Nearshore Habitats CS12. Wastewater Management	CS10. Loss of Estuaries and Nearshore Habitats CS12. Wastewater Management	CS10. Loss of Estuaries and Nearshore Habitats CS12. Wastewater Management

Trent: Is the set back issue with 750 homes something we want to get involved with?

Michael: That's a good thought. Kenai has a strong cost share program. Trying to come up with some way of engineered or green infrastructure is going to be part of ordinance in the end.

Trent: See a lot of opportunity to work with many landowners. May be some landowners who aren't in financial position to deal with it. Better for salmon, freshwater habitats the sooner the situation is dealt with.

Peter: I'm the newbie, looking at categories hi/med/low, trying to understand what is under large-scale resource development.

Michael: It is described in 2019 strategic plan.

Jessica: Yes, this addendum. Start on page 6. Can look at 2013 plan for more details (2019 was a refresh). Three objectives: education/outreach about large-scale resource dev projects, agency assistance for large scale resource projects, address data gaps.... Generally 3-4 objectives per strategy.

Peter: Why was it rated as medium?

Jessica: It's hard to pick top priorities, so... maybe because of what the partnership can realistically offer, what the partnership gets done, the focus of different partners...

Laurie: Where/how to include our approach to capacity in these priorities. I.e., whether to prioritize entirely funding small projects that wouldn't be funded elsewhere or 20% of large projects that would be funded through other means.

Michael: Good thought. Perhaps we haven't done as good a job of soliciting a diversity of projects. And perhaps the large projects get priority because we want all that match. Worried that perhaps we've lost focus on funding small, grassroots, diverse projects that NFHP funding was supposed to fund.

Trent: Agree with you about match. Prior to ACE Act changes we're working through now, seeing the rules adjust at the national level, previously the 3:1 match ratio was really important. Really impacted scoring because we would lose \$50-100K in funding. Downside is that the larger organizations could afford to bring that match and outcompete smaller organizations. Also saw universities become less competitive as their match processes changed and became less competitive.

Jessica: It is not a brand new issue. With ACE Act it is something that has come up over the years. Our projects this year were well received; we're in top tier. Perhaps these problems diminish at the local level if we can get more money into the pot.

Margaret: Is there a possibility to provide optional set aside for smaller orgs vs larger orgs?

Laurie: The margin between large and small proposals is very small. This is really about whether we prioritize discrete, grassroots projects from start to finish.

Laura Pevan: In recent RFP, the Tribal Wildlife Grant wanted to see wider diversity of tribes apply, so they threw in that they would select one new applicant as a "wild card" and score them on a different rubric. Perhaps that's an option here?

Michael: What are the metrics that really influence our national score?

Jessica: I would need to double check on that because it has changed a ton based on the ACE Act and new processes. NFHP has shared how they score this year.

Laurie: Given NFHP's requirement for 1:1 match in scoring, I propose that we not give additional points beyond 1:1 in our future rubric (which gave more points to 3:1 match).

Michael: This is getting ahead of ourselves, but I support that proposal. Do we want to make any changes to priority categories, which can also have a major impact on scoring?

Jessica: "Fish passage" is in the highest category. Maybe it should stay from a habitat/partnership perspective. But with so much BIL funding available right now, is it really a high priority for our RFP?

Laurie: I think that is a great question. Something can be a high priority for the Partnership from an environmental point of view, but that may not necessarily be the priorities we see when we're looking at how to best utilize a set amount of funding each year.

Discussion about giving weights to specific projects that might not otherwise be thought of. Elodea outreach in the Mat-Su was discussed as a gap.

Michael: "Climate change" is extremely broad. I would suggest downgrading it a tier. Along with "Filling of Wetlands", which I don't think we've ever funded. Would like to create room as priorities for AIS and maybe some applied science strategies (esp surface/groundwater studies).

Theo: Might be able to advocate for partner who could help offset match demands by pooling match. Any other national active regions that may serve as a model for this?

Jessica: Know that there has been this discussion about this at the national level. And it has been helpful for partners to tell the NFHP Board that 1:1 match is a challenge/barrier.

Trent: Really good question. Alaska FHPs in general seem to be very successful on average. So if we were to look at how other partnerships were doing this, we'd be smart to look within the state.

Trent: Due to time (3:45PM), possible to end this discussion here? Suggestion that we look at other Alaska FHP portfolios at the next Steering Committee meeting.

Michael: Yes, and carve out ~1 hour to continue this conversation.

Jessica: Shared past project list.

ACTION ITEM:

- *Set aside at least an hour to continue this conversation at the next meeting.*

Committee Updates: **written updates found at bottom of agenda (15 min)*

(C) Support for Big Lake as 2023 summer site tour location – Steering Committee decision

Jessica: Annual event. Usually 30-40 people. Last year was the Deshka River. Outreach Committee proposes a focus on Big Lake. Taking past science that we've been investing in and how it's informing current projects. Fish passage, AIS, pike, what's potentially on the horizon. Sue Mauger has identified cold water refugia on Big Lake. Could spring-board to talk about riparian set-backs, riparian health, etc. We have done a Big Lake tour before. Should be fairly straightforward with Committee's approval.

Michael: Consider adding boat wake as a hot topic. USGS and ADFG starting project to look at impact on water quality and salmon health.

Trent: Be sure to invite Nicole Swenson in her new role.

Michael: Do we want to replace the two birches from our last planting, which are not looking good?

Theo: We can go out and take a look, handle it.

Jessica: FYI, tentative summer site tour dates are either August 22nd, 23rd or 24th. Less likely but possible are 29,30,31st

(D) Science and Data Committee Chair nomination – Steering Committee decision

This committee has had chairs until the past couple years. There is a charter for this committee, which supports the Steering Committee. Laura Pevan offered to step in, especially from an administrative support position which really helps Jessica. Laura is newer to this role and to the Steering Committee. Asks great questions. Would end up being a liaison to the NFHP, so it wouldn't only be Jessica. So

this is a request/recommendation by the S&D Committee.

Unanimous support.

Meeting ends at 4:02PM without time for partner updates. If any are time sensitive, email the group.

If time allows:

Partner and other updates

Upcoming Events:

- (E) Alaska Invasive Species Partnership monthly meeting, 9am Wednesday July 12th.
- (F) Mat-Su Elodea Task Force Big Lake Elodea Rodeo, 12-6pm July 21st, 2023 Big Lake North State Recreation Site.
- (G) Susitna Basin Recreation Rivers Advisory Board – reconvenes from summer recess in fall 2023
- (H) MSB Fish and Wildlife Commission – reconvenes from summer recess in fall 2023.

Next meeting:

- (I) Tuesday, September 12th 1:30-4pm.

Facilitator: Theo Garcia

Notetaker: Margaret Stern

Committee Updates (*find list of committee members [here](#)*)

(J) Science and Data

- a. Committee did not meet in interim. Next scheduled meeting is September 20th, 1-3pm.
- b. There was one volunteer for the two co-chair seats (Laura Pevan of Chickaloon Village Traditional Council) on the Science and Data Committee. The Science and Data Committee is supportive of this chair nomination. The Steering Committee needs to review and approve or decline this nomination from the Science and Data Committee. Laura largely offered to assist with meeting facilitation and general committee support. Did not get reviewed at last meeting – still pending. [*Laura Pevan bio](#)

(K) Outreach

- a. Worked with Susitna River Coalition (SRC) and a range of partners to host Plants for Salmon community riparian planting day on June 3rd. This is a multi-phase project to restore riparian vegetation and improve salmon habitat along Montana Creek at the Yoder Road Bridge. With the help of approximately 65 volunteers, we tackled phase 1 by planting over 200 trees and bushes. Thanks to NOAA Rec fish funding, TU will work with partners to get topsoil added and hydroseeding completed for the exposed rip rap. In 2024 (Tentative date is Saturday June 1st, 2024) we will be hosting a second planting day to vegetate it. [See volunteers in action via TU's reel, here.](#)
 - i. Event and project partners include SRC, USFWS, ADFG, Knik Tribe, TU, Palmer Soil and Water Conservation District and Mat-Su Borough. Trout Unlimited submitted a funding proposal (NOAA Rec Fish) to support restoration work there.
- b. The Outreach committee has proposed Big Lake for the 2023 summer site tour for community leaders. There has been a lot of investment and relevant issues that could

be highlighted including science informing fish passage work and identification of cold water refugia, riparian restoration and an opportunity to discuss riparian setbacks, as well as issues of aquatic invasive species in Big Lake – both existing (pike and Elodea) and potential threats. Are there any ideas and/or concerns with this location and proposed focus? Potential dates are for late August.

- c . Participating on Mat-Su Elodea Task Force who is planning a Big Lake Elodea Rodeo for July 21 to educate and conduct surveys at Big Lake.
 - d . We are still recruiting for additional outreach committee members. If there is someone in your organization who would be interested and a good fit, please reach out.
 - e . Please share updates for list-serve with Jessica for posting.
- (L) Symposium Planning
- a . Save the date: Monday and Tuesday, November 13th and 14th, at Palmer Depot for 2023 Mat-Su Salmon Science and Conservation Symposium.
 - b . Also save-the-date to host an in-person Steering Committee meeting on Wednesday November 15th in Palmer. Time: TBD.

- c . Committee had two planning meetings since May Steering Committee meeting and are identifying support needs, fundraising and identifying a keynote speaker.

Initiatives/Adhoc committees:

(M) Capacity and Development updates

- a . Applied for BLM funds (\$10,000/year over five years) to support Partnership outreach, operations and general capacity.
- b . Jeremy Thatcher/NOAA intern is helping with summer site tour and Symposium, as well as some outreach. He is also interested in additional field work opportunities. Please reach out to him at jeremy.thatcher@noaa.gov if you have field work opportunities.

(N) Convening Mat-Su Regional Fish Passage Partners

- a . The next regional planning meeting hosted by the Partnership is anticipated for late summer/early fall. The planning committee will reconvene to identify a next meeting date that is congruent with the tribally focused trainings and working group formed by Chickaloon Village Traditional Council through NOAA funding.

(O) Science to Conservation Outcomes

- a . Did not meet during busy field season. Intend to meet during summer to work toward next steps outlined in the workplan.