

MEMO

TO Linda Brenner
Debby Broneske
Parks, Recreation & Trails Committee

FROM Agnew::Beck Consulting, LLC

DATE April 24, 2008

SUBJECT Changes to the Fish Creek Management Plan

The review of the Fish Creek Management Plan, including public comments received by the April 14, 2008 deadline, has identified several changes, both general and specific, to be made prior to submitting this document for final approval. These changes will be made in the subsequent draft of the document, and are summarized below:

General

- General grammatical and spelling errors.
- Clarify vague language at several points in plan (e.g. “limited” land sales in the Flathorn Lake Unit).
- Redo pagination to remove Chapter references and instead number pages with chapter number and page (e.g. 2-14).
- Clarify references to State agencies.
- Clarify format and graphics in several maps.
- Clarify overall plan intent – this was not asked for specifically, but based on several comments received we would like to add a short “executive summary” that would explain the overall intentions of the plan. Highlights of this summary would include:
 - Context for plan – the current draft plan reflects earlier regional plans identifying the Fish Creek area for possible development, while reserving large blocks on adjoining lands for recreation and habitat protection (including Nancy Lakes, Little Susitna River, Susitna Flats Refuge).
 - Timber harvests – managed, sustainable, not large scale clear cuts.
 - Agriculture – very different from earlier plan, focused in near term on small agricultural parcels on Lower Fish Creek. Reserves option for more agriculture the future in management units to the north and west.
 - Buffers on streams and trails – extensive, integrated system of lands set aside to protect watershed, fish and wildlife and recreation values.
 - Timing of development – linked to access improvements.

Chapter 1

- Remove reference to “caribou.”
- Add “Additionally, a cooperative effort led by the Borough and Knik Tribal Council is underway to identify numerous archaeological sites along Fish Creek.” to Historical Uses and Heritage Resources section, p.8.

Chapter 2

- Add complementary detail on Borough policies where necessary, to match level of detail regarding State policies.
- Use bold outlining on section titles to make section more readable.
- **Comment:** Replace “minimize damage with avoid damage to waterbodies, fish,”, p. 2, Guidelines by Resource Value or Activity, B. 1.
 - **Response:** No change. It is not always possible to avoid all damage. Putting in a culvert, a bridge piling, crossing a stream with a four-wheeler, all of this does some minimal damage. Thus, we can avoid where possible, but otherwise intent is to minimize and restore (see Fish and Wildlife Habitat and Harvest Guideline A.)
- **Comment:** What does “useful condition” mean when repairing, rehabilitating or restoring an affected area? p. 3, Management Guidelines, A. 3.
 - **Response:** No change. The mitigation guideline is a one of the basic DNR-DF&G, Borough guidelines. The agencies have been working under this guideline for years.
- **Comment:** Replace the word “Should” with “shall” in high-value resident fish streams should protect the habitat and water quality from sig. adverse effects, p. 4, Management Guidelines, B.
 - **Response:** No change in this location. The place where the major discussion of riparian zone authorizations occurs is in the Stream Corridors and Wetlands Section. That series of guidelines has a much more sophisticated and complete discussion. This guideline is essentially an extremely abbreviated summary of what is in that location. The reason this remains a “should” guideline is that “should” defers the reader to the more complete discussion in that location.
- **Comment:** The simplest and most cost effective technology may not always be the best technology and may therefore not be adequate. Replace “should” with “shall” in: Water intake structures should be screened....., The structures supporting intakes should be designed, The DNR and ADF&G should be consulted....., p. 4, Management Guidelines, D.
 - **Response:** Change in Part. This comment has two parts, the first part indicates that the simplest and most cost-effective technology is not always the best. Agree. Change last sentence of first paragraph to “Where appropriate, the simplest and most cost effective....”
 - The second part of the question is to replace “should” with “shall” regarding screening. Agree with intent of this comment but the language doesn’t work. The purpose of the screening is to ensure that first, streams are not entrained or impinged by water intake structures. The first paragraph requires that by saying authorizations “will” require installation of ... (will has same meaning as shall). Screens are only one of the measures but other measures may serve the same purpose. Thus, the concept of this request already exists in the guideline. No change needed.

- **Comment:** What is a “strategic management plan”? Which district and do they have a plan in place? p. 4, Management Guidelines, F.
 - **Response:** We are contacting DF&G for more information as well as the Wasilla SWCD.
- **Comment:** Replace should with shall in; Specific mitigation recommendations should be identified, p. 4-5, Management Guidelines, G.
 - **Response:** No change. This is a moot issue for the Fish Creek Area given that there are not threatened or endangered (T&E) species or habitat in the area. But even if it were such habitats were present, the federal and state T&E legislation is specific enough that if there is a significant issue, it will require specific mitigation. But just because there is some potential does not always mean that something specific can or should always be done. The federal and state law does not require it and the plan should not.
- **Comment:** The Plan does a good job of describing how most of the Forestry Resource Goals will be met. However, there is no explicit mention of how forests will be managed for sustainable yields. It is possible that these practices are inherent in the referenced guidelines, which I have not yet read. Additional discussion of this topic would be useful, p. 6, Forestry, Resource Goals.
 - **Response:** No change needed. Sustained yield is already required in State Constitution, state law, and Borough code. The plan makes references to these requirements. This concept is embedded within plan guidelines for timber harvest (for example, in explaining that adding to the timber base adds to the sustained yield of the region). Harvest that is not part of the timber base is not done as part of sustained yield, e.g., where harvest occurs on a one-time basis in advance of road construction or other land use conversion.
- **Comment:** Who will pay for the road system described in this section? p. 7, Management Guidelines, C.1.
 - **Response:** No change. That is, by law, a decision for the Borough Assembly and State legislature (as appropriate). However, this plan directs the Assembly/Legislature to not sell land for agriculture or residential land unless the revenue from the sale will pay for the local roads.
- **Comment:** Define “put-to-bed” in the Glossary? p. 7, Management Guidelines, C.2.
 - **Response:** Change. Since the word is only used here, we will add a definition here rather than in the glossary. Change by adding “(closed and reclaimed)” in parenthesis the first time the word “put-to-bed” appears in paragraph #2.
- **Comment:** In order for the Forest Land Use plans to state whether roads will be permanent or put-to-bed, an overall roads plan with priorities would need to be created. Mainline timber roads should ideally be created where permanent roads are likely to be placed, but unless a roads plan is developed, the Forest Land Use plans will not be able to be coordinated with future development roads. p. 7, Management Guidelines, C.2.
 - **Response:** More discussion of this is needed with MSB staff. One option would be to add this sentence to the beginning of C.2. Road Management and Access: “Decisions on road location and whether they should be put-to-bed after use should be coordinated with a Boro/State overall road plan for the area. If such a plan has not been created, road location and permanence decisions should be coordinated with the Boro and State to be consistent with likely future development plans and road locations for the area.”

- **Comment:** In the Forest Land Use Plans (FLUP) it is important to also consider open space corridors that have not been established yet and to plan for green infrastructure. Add the word in to the sentence: FRPA also requires that timber harvest on State land with in 300 feet... Change the word may to will in the sentence: Additional restrictions may be required in specific areas to protect trails..., p.7-8, Management Guidelines, D.
 - **Responses:** Change in part. With respect to open space corridors, and green infrastructure: no change. The general decisions about open-space corridors are implicitly and sometimes explicitly a part of this plan. The plan, for example, establishes an integrated system of stream corridors, wetlands and trail corridors. Some places in the plan (such as settlement) contain additional guidelines on this concept. “Green infrastructure” is too general a concept to be imbedded in the guideline. It will provide no real guidance to adjudicators above and beyond that already in the plan.
 - With respect to “within”, Change.
 - With respect to change may to will, No change. It will not make sense to always, and in all locations to protect trails and recreational use of corridors. The plan and various state laws and borough code contains many requirements about protecting trails. But harvest does not always affect trails or stream corridors, and not all trails should be protected (in other places, people recommended that trails that cause damage to stream corridors be closed rather than protected). Therefore, stipulations on this subject are not always appropriate when planning timber harvest.
- **Comment:** Change the existing sentence to -- Forestry roads will be located in a manner that will work to develop permanent access to the area, and enhance the eventual agricultural or settlement value of the areas. This change reflects the seriousness of enhancing agricultural and settlement activities. p. 8, Resource and Management Summary, 2nd paragraph.
 - **Response:** No change. When agriculture or settlement is not planned for the area, timber roads do not need to be located to protect the eventual agriculture or settlement use. In addition, where the agriculture/settlement is 20+ years off, it may be impossible to know how best to plan for roads that won’t happen (or even be planned for) until after all current employees have retired.
- **Comment:** Separate paragraph and confusing with DOT reference. Also way too much DNR language and very little on similar Borough programs. p. 12, Management Guidelines, B.
 - **Response:** Change. Agree, shorten DNR language. Change paragraph to read:
The Borough and the DNR may lease lands for commercial recreation within the planning area. There are two DNR processes for leasing State land for commercial recreational facilities - one process is described by AS 38.05.073, the other by AS 38.05.070 and .075. Unless Chapter 3 of this plan specifically requires the .073 commercial leasing process for a management unit, applications may be adjudicated under either process.
 - Eliminate the rest of the paragraph and the 1, 2, 3, subparagraphs.
- **Comment:** Both the State and Borough have this requirement. Delete, p. 15, Management Guidelines, B.
 - **Response:** Change as indicated.

- **Comment:** “With respect to agricultural land,” the plan states that smaller agricultural lots are encouraged to generate sufficient revenue to pay for road costs. However, under existing Borough code, lots sizes of at least 40 acres are required in order to be designated as agricultural. For the Borough to sell lots smaller than 40 acres for agricultural use, the Borough code will need to be amended, p. 17, Resource Management Summary.
 - **Response:** Change. Add to the end of the paragraph, the following, “Under existing law, the state may sell 20- and 40-acre lots for agriculture. However, the Borough requires a lot size of at least 40-acres for the land to be designated as agriculture. Therefore, when planning for a Borough agricultural sale, the Borough may consider whether a change in ordinance is beneficial to require smaller lots and to better allow the agriculture sales to pay for the required road improvements.”
- **Comment:** Long-time residents at Flathorn Lake have observed tree blow-down as issue in the Flathorn Lake Unit and the surrounding area. Although the cause is uncertain, it is plausible this may be due to relatively poor (thin) soils and high wind shear in this area. A possible impact from timber sales would be to increase blow-down in areas of high wind shear. Of particular concern is that stream buffers could be adversely impacted by blow-down following an adjacent timber harvest. It is therefore recommended that the structure and size of timber sales and the need to modify stream buffer be considered for each timber sale to account for the increase in blow-down as a consequence of the timber harvest, p. 20, Management Guidelines, C.
 - **Response:** Change. Add the following to the last sentence of the guideline, “or other potentially harmful drainage, and to ensure accommodate areas where on-the-ground information indicates greater-than-typical tree blowdown is likely to occur.”
- **Comment:** Material sites are mentioned here and elsewhere in the Plan as potential uses within the watershed. I have no objection to this as long as best management practices are used. However, there is no significant discussion of what units and/or areas within the watershed might be appropriate for material sites; how they would be managed; etc. It is unclear why this subject is not discussed. It is quite possible that the topic is inherent in some part of the Plan of which I am not aware. Please provide additional discussion of this subject or clarify under what other (referenced) document it may be found, p. 24, Management Guidelines, I.
 - **Response:** No change. State and Borough have significant best management practices (BMPs) for material sales that do not need repeating in the plan.
- **Comment:** To what standard(s)? p. 24, Management Guidelines, J.
 - **Response:** Change. Change the word “rehabilitated” to “reclaimed to minimize erosion and promote regrowth of natural vegetation.”
- **Comment:** In most cases in this area, there will not be any existing facilities, p. 26, Management Guidelines, C.
 - **Response:** No change. Agree that in most cases there will not be existing facilities. Some day in the future, there may be.

Chapter 3

- **Comment:** Add “and Wetland” to Primary Designation of Wetlands East and West Unit, p.9, Designations
 - **Response:** No change. Included in definition of watershed
- **Comment:** Delete reference to Borough in Upper Fish Creek Unit, p.10, Management Guidelines
 - **Response:** Agree. Change as indicated, this is all state land
- **Comment:** Define “limited” land sales by giving range, p. 18, Management Guidelines
 - **Response:** Change. Revised draft will include a specific estimated range (approximately 25 parcels)
- **Comment:** Alter boundary of Flathorn Lake Unit to avoid confusion about limited timber sales and eliminate the possibility of sales in the unit, p. 18, Management Guidelines as associated maps
 - **Response:** Change. The boundary of the management unit will be modified to exclude any commercial timber harvest areas from the Flathorn Lake unit.

Chapter 4

- **Comment:** Flesh out Borough discussion, p. 1, State and Borough Land Classifications.
 - **Response:** Agree. Working with Borough to add complementary language.
- **Comment:** No., p. 3, Surface Leasing.
 - **Response:** Change. Delete the sentence under Surface Leasing referring to the Borough using the term “permitting.”
- **Comment:** Add similar existing Borough process, p. 4, Amendments.
 - **Response:** Working with Borough to add similar process.
- **Comment:** Bad example. Performance rights are all but dead, p. 4, Special Exceptions.
 - **Response:** Change. Drop example.
- **Comment:** Same comment as above. Drop or add similar (existing) Borough process, p.5, Special Exceptions.
 - **Response:** Working with Borough to add similar existing Borough process.
- Check page references in tables.