

# MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD

**Chairperson** – David Palmer – At Large 4  
**Vice Chair** – Ed Strabel - District 6  
Amy O'Connor – District 1  
James Gustafson– At Large 1

George Brown – District 2  
Kenneth Barber – At Large 2  
Sonya Walden - District 3  
Lyle Downing – At Large 3

VACANT – District 4  
Cindy Bettine - District 5  
VACANT - District 7

## AGENDA

**SPECIAL MEETING**  
**Assembly Chambers**

**December 29, 2016**  
**5:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL – DETERMINATION OF QUORUM
- III. APPROVAL OF AGENDA
- IV. PLEDGE OF ALLEGIANCE
- V. PERSONS TO BE HEARD / AUDIENCE PARTICIPATION – 3 minutes per person
- VI. UNFINISHED BUSINESS
  - A. Proposed legislation prohibiting trapping on borough owned public school property and the borough owned portion of Crevasse Moraine trail system
- VII. NEW BUSINESS
  - A. PRTAB Resolution 16-04 - A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD SUPPORTING SUBSTITUTION OF THE TWO ATTACHED ORDINANCE PROPOSALS ADDRESSING 1) TRAPPING ON MATANUSKA-SUSITNA BOROUGH OWNED DEVELOPED SCHOOL PROPERTIES; AND 2) TRAPPING RESTRICTIONS WITHIN THE MATANUSKA-SUSITNA BOROUGH OWNED PROPERTY WITHIN THE CREVASSE MORAINES TRAIL SYSTEM IN LIEU OF PROPOSED ORDINANCE 16-XX AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING 24.05, MSB 2.85. AND MSB 19.12 TO PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND THE BOROUGH OWNED PORTION OF CREVASSE MORAINES TRAIL SYSTEM.
- VIII. MEMBER COMMENTS
- IX. NEXT MEETING
  - January 23, 2017 – Assembly Chambers
- X. ADJOURNMENT



# MATANUSKA-SUSITNA BOROUGH

## Borough Attorney's Office

Nicholas Spiropoulos, Borough Attorney  
350 East Dahlia Avenue • Palmer, Alaska 99645-6488  
Telephone (907) 861-8677 • Facsimile (907) 861-8559  
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## MEMORANDUM

**DATE:** September 22, 2016

**TO:** Parks, Recreation and Trails Advisory Board

**THROUGH:** Shannon Bodolay, Assistant Borough Attorney

**FROM:** Assembly Member Dan Mayfield

**SUBJECT:** Legislation Prohibiting Trapping on Borough Owned Public School Property and the Borough Owned Portion of Crevasse Moraine Trail System

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Assembly member Mayfield requested this legislation be presented to this Board to consider and comment upon prior to it being placed on the Assembly's agenda.



CODE ORDINANCE

Sponsored by:  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16- \_\_\_\_\_**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING 24.05, MSB 2.85. AND MSB 19.12 TO PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND THE BOROUGH OWNED PORTION OF CREVASSE MORAINES TRAIL SYSTEM.

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WHEREAS, the Matanuska Susitna Borough owns property that has been developed for public schools sites;

WHEREAS, the Matanuska Susitna Borough school sites are heavily utilized by children, teachers, school administrators, and members of the public;

WHEREAS, the Matanuska Susitna Borough also owns property that makes up various trail systems;

WHEREAS, the Matanuska Susitna Borough owns property within the Core Area that serves as part of the Crevasse Moraine Trail system;

WHEREAS, the Matanuska Susitna Borough maintains certain trails on its property in the Crevasse Moraine Trail system;

WHEREAS, people recreate beyond the boundaries of the Borough maintained trails in the Crevasse Moraine Trail system, as there are no requirements or restrictions that recreational use is limited to a particular area or trail;

WHEREAS, there are other "social trails" on the Matanuska

Susitna Borough property in the Crevasse Moraine Trail system that are not Borough maintained;

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan ("Trails Plan" evaluated the needs and desires of Borough residents and landowners with regard to recreational trail development;

WHEREAS, one of the goals of the Recreational Trails Plan is to preserve the existing popular recreational trails;

.....  
WHEREAS, one of the Trails Plan management recommendation goals is to minimize conflicts between different types of trail users and avoid trail degradation due to improper use;

WHEREAS, the Trails Plan recognizes that trail conflicts between separate user groups are likely to increase as trail use increases;

WHEREAS, the Trails Plan likewise recognizes that it is important for the Borough to take some proactive steps to insure these conflicts are minimized;

WHEREAS, the Trails Plan further recognizes that trails should be managed so as to provide the greatest recreational benefit to those types of recreational trail uses for which the trail is uniquely situated;

WHEREAS, the Trails Plan also recognizes that it may be necessary to limit some uses in certain situations;

WHEREAS, in a survey reported in the Trails Plan, 51% of

the respondents stated that walking or dog walking was the most common trail recreation activity;

WHEREAS, the Crevasse Moraine trail system is included within the Trails Plan,

WHEREAS , the Crevasse Moraine Trail System is described in the Trails Plan as one for which the trails have been "dedicated" or that they have a legal right-of-way or formal landowner permission allowing public access along its entire length;

WHEREAS, the Crevasse Moraine Trail System is described as a regionally significant trail in the Trails Plan;

WHEREAS, in a separate plan called the Crevasse-Moraine Master Plan, the area is described as a "high demand attraction serving diverse non-motorized users, including walkers (often with dogs), runners, equestrians, and mountain bikers;"

WHEREAS, the Crevasse-Moraine Master Plan explains that investment in the site is focused on providing healthy, enjoyable recreation opportunities for a compatible mix of non-motorized uses including family stroll and dog walking among others;

WHEREAS, in the "Desired Future Conditions" of the Crevasse-Moraine Master Plan, it states Crevasse Moraine consists of 360 acres reserved for a permanent, formalized, soft tread trail network for which investment is focused on providing

healthy, enjoyable recreation opportunities for a compatible mixture of non-motorized users including: family stroll/non strenuous walking; dog walking; strenuous walking/hiking; running/cross country training; equestrian; mountain biking; Nordic skiing; snowshoeing; skijoring; geocaching; bird/wildlife watching; orienteering; informal neighborhood picnic and play areas;

WHEREAS, in the "Desired Future Conditions" section of the Crevasse-Moraine Master Plan also notes that Valley Pathways School shares some common infrastructure with Crevasse Moraine, and that the school seeks to instill respect for the Crevasse Moraine area by working with the Borough to create opportunities for student trail use related to their education; community service learning trail maintenance projects, forestry and trail building vocational training; and summer facility use for recreational programing;

WHEREAS, demand for Borough trails increases every year, and is expected to continue as visitors and residents continue to get outside and enjoy the Borough's natural beauty in increasing numbers;

WHEREAS, the Borough has an interest in managing its property to facilitate the intended use of the property, and protect members of the public, their children and their pets;

WHEREAS, there are currently no prohibitions against

trapping in these areas;

WHEREAS, according to the "Trap Safety for Pet Owners" guide that is published by the Alaska Department of Fish and Game, Division of Wildlife Conservation's and the Alaska Trappers Association, trapping is a popular pastime and a livelihood for some and occurs throughout Alaska, even on some popular recreation trails;

WHEREAS, MSB 23.05.050(A) already prohibits a person from placing personal property upon or making unauthorized use of borough-owned real property without written permission from the manager;

WHEREAS, there are no express trapping restrictions on Borough owned public school sites, or within the Borough owned Crevasse Moraine trails;

WHEREAS, allowing traps to be placed on Borough owned public school sites or within the Borough owned Crevasse Moraine trails or nearby is incompatible with the intended educational and or recreational uses for those areas;

WHEREAS, school site users, including children, may not be able to timely identify the location of traps on public school property and may not be able to successfully avoid them;

WHEREAS, recreational trail users, including children, may not be able to timely identify the location of traps of on Borough owned Crevasse Moraine Trail and may not be able to

successfully avoid them accordingly;

WHEREAS, allowing traps to be placed in these areas could inadvertently, but seriously, injure those using these areas - including children and/or the pets individuals they recreate with;

WHEREAS, at least three dogs have been inadvertently caught in traps in the Matanuska Susitna Borough within the last year and treated by the Animal Care and Regulation shelter;

WHEREAS, dogs in the Matanuska Susitna Borough have suffered significant injuries as a result of being caught in traps;

WHEREAS, AS 29.35.010(8) provides the Borough the power to manage and control real property;

WHEREAS, the Borough has an interest in managing its property to protect the property users;

WHEREAS, the Borough has an interest in managing its trail property to ensure the primary intended uses such as walking, hiking, running, biking etc., with or without pets, is safe from conflicts relating to traps;

WHEREAS, the Borough has an interest in protecting domestic animals and the power to do so pursuant to AS 29.35.210(a)(3);

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough

Code.

Section 2. Amendment of section. MSB 24.05.020 is hereby amended as follows:

(A) The borough **generally** has jurisdiction **only** over domestic and domesticated animals. Except for purposes of enforcing MSB 2.85.020, MSB 19.12.015, and MSB 24.05.105, the borough does not have jurisdiction over the following animals:

- (1) wild animals; and
- (2) game animals, the taking or possession of which is regulated by the state or federal government.

Section 3. Adoption of section. MSB 24.05.105 is hereby adopted as follows:

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animal:

- (1) Within any Borough maintained trail, or within 100 feet of such, on Borough owned property which is part of the Crevasse Moraine trail system.
- (2) On any part of public school property owned by the Borough.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area in which trapping is expressly prohibited by the chapter.

(D) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(E) Violation of this section shall be punishable as set forth in MSB 24.40.

Section 4. Amendment of section. The fine schedule in MSB 24.40.050 is amended as follows:

<b><u>24.05.105</u></b>	<b><u>Trapping Prohibited</u></b>	<b><u>1<sup>st</sup>Offense \$150</u></b>
		<b><u>2<sup>nd</sup> Offense \$300</u></b>
		<b><u>3<sup>rd</sup> and Subsequent \$500</u></b>

Section 5. Adoption of section. The following section is adopted as MSB 24.40.055:

**24.40.055 FORFTURE OF TRAPS**

Ownership rights of any trap found on public school property owned by the Borough, or within any Borough maintained trail that is part of the Crevasse Moraine Trail system or within 100 feet of such, are forfeited upon conviction of MSB 24.05.105.

Section 6. Amendment of section. MSB 2.85.020 is amended as follows:

(D) [THE MANAGER MAY CLOSE OR RESTRICT TRAILS BECAUSE OF ENVIRONEMNTAL, SEASONAL, SAFETY CONCERNS, or OTHER VALID REASONS AND MAY RESTRICT CERTAIN USES TO AVOID TRAIL CONFLICTS OR SAFETY CONCERNS.]

Except as provided in MSB 24.05.110, Borough owned property which is part of the Crevasse Moraine trail system is closed to trapping, attempting to trap, or aiding and abetting in trapping any wild or domesticated animal within 10 yards of any such trail to prevent trail conflicts and ensure safety.

(1) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(4) Violation of this section shall be punishable as set forth in MSB 1.45.

(E) The manager may close or restrict additional trails because of environmental, seasonal, safety concerns, or other valid reasons and may restrict certain uses to avoid trail conflicts or safety concerns.

Section 7. Adoption of Section. MSB 2.85.030 is adopted as follows:

2.85.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap.

Section 8. Amendment of Chapter Title. Chapter 19:12

Title is amended as follows:

[OPERATION OF MOTOR VEHICLES] SCHOOL PROPERTY

Section 9. Amendment of Section. MSB 19.12.020 is amended

19.12.015 TRAPPING PROHIBITED

Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animals on any part of public school property owned by the Borough.

(1) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The School District, Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) Violation of this section shall be punishable as set forth in MSB 1.45.

Section 10. Adoption of Section. MSB 19.12.030 is adopted



**Moraine trail system, are forfeited upon conviction of MSB  
2.85.020(D) or MSB 19.12.020.**

Section 13. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

\_\_\_\_\_  
VERN HALTER, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

CODE ORDINANCE

Sponsored by:  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-\_\_\_**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY **AMENDING MSB 24.05.010, DEFINITIONS**; AMENDING MSB 24.05.020(A), JURISDICTION; ADOPTING MSB 24.05.105; AMENDING MSB 24.40.050, FINES FOR INFRACTIONS; ADOPTING MSB 24.05.055, FORFEITURE OF TRAPS; AMENDING MSB 2.85.020(D), CLOSURES AND RESTRICTIONS; ADOPTING MSB 2.85.020(E); ADOPTING MSB 2.85.030, DEFINITIONS; AMENDING CHAPTER TITLE 19.12; ADOPTING MSB 19.12.015, TRAPPING PROHIBITED; ADOPTING OF MSB 19.12.030, DEFINITIONS; AMENDING MSB 1.45.100(C), FINES FOR INFRACTIONS; AND ADOPTING MSB 1.45.105, FORFEITURE OF TRAPS IN ORDER TO **PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND TO RESTRICT TRAPPING ON THE BOROUGH OWNED PORTION OF CREVASSE MORAINES TRAIL SYSTEM.**

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WHEREAS, the Matanuska-Susitna Borough owns property that has been developed for public school sites; and

WHEREAS, the Matanuska-Susitna Borough school sites are heavily utilized by children, teachers, school administrators, and members of the public; and

WHEREAS, the Borough also owns property that makes up various trail systems; and

WHEREAS, the Borough owns property within the core area that serves as part of the Crevasse Moraine Trail system;

WHEREAS, the Borough maintains certain trails on its property in the Crevasse Moraine Trail system; and

WHEREAS, people recreate beyond the boundaries of the Borough maintained trails in the Crevasse Moraine Trail system,

as there are no requirements or restrictions that recreational use is limited to a particular area or trail; and

WHEREAS, there are other "social trails" on the Borough property in the Crevasse Moraine Trail system that are not Borough maintained; and

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan (Trails Plan) evaluated the needs and desires of Borough residents and landowners with regard to recreational trail development; and

WHEREAS, one of the goals of the Recreational Trails Plan is to preserve the existing popular recreational trails; and

WHEREAS, one of the Trails Plan management recommendation goals is to minimize conflicts between different types of trail users and avoid trail degradation due to improper use; and

WHEREAS, the Trails Plan recognizes that trail conflicts between separate user groups are likely to increase as trail use increases; and

WHEREAS, the Trails Plan likewise recognizes that it is important for the Borough to take some proactive steps to insure these conflicts are minimized; and

WHEREAS, the Trails Plan further recognizes that trails should be managed so as to provide the greatest recreational

benefit to those types of recreational trail uses for which the trail is uniquely situated; and

WHEREAS, the Trails Plan also recognizes that it may be necessary to limit some uses in certain situations; and

WHEREAS, in a survey reported in the Trails Plan, 51 percent of the respondents stated that walking or dog walking was the most common trail recreation activity; and

WHEREAS, the Crevasse Moraine trail system is included within the Trails Plan; and

WHEREAS, the Crevasse Moraine Trail System is described as a regionally significant trail in the Trails Plan; and

WHEREAS, in a separate plan called the Crevasse Moraine Master Plan, the area is described as a "high demand attraction serving diverse non-motorized users, including walkers (often with dogs), runners, equestrians, and mountain bikers;" and

WHEREAS, the Crevasse Moraine Master Plan explains that investment in the site is focused on providing healthy, enjoyable recreation opportunities for a compatible mix of nonmotorized uses, including family stroll and dog walking among others; and

WHEREAS, in the "Desired Future Conditions" of the Crevasse Moraine Master Plan, it states Crevasse Moraine consists of 360 acres reserved for a permanent, formalized, soft tread trail

network for which investment is focused on providing healthy, enjoyable recreation opportunities for a compatible mixture of non-motorized users including: family stroll/non strenuous walking; dog walking; strenuous walking/hiking; running/cross country training; equestrian; mountain biking; Nordic skiing; snowshoeing; skjoring; geocaching; bird/wildlife watching; orienteering; and informal neighborhood picnic and play areas; and

WHEREAS, in the "Desired Future Conditions" section of the Crevasse Moraine Master Plan also notes that Valley Pathways School shares some common infrastructure with Crevasse Moraine, and that the school seeks to instill respect for the Crevasse Moraine area by working with the Borough to create opportunities for student trail use related to their education; community service learning trail maintenance projects, forestry and trail building vocational training; and summer facility use for recreational programming; and

WHEREAS, demand for Borough trails increases every year, and is expected to continue as visitors and residents continue to get outside and enjoy the Borough's natural beauty in increasing numbers; and

WHEREAS, the Borough has an interest in managing its property to facilitate the intended use of the property, and

protect members of the public, their children and their pets;  
and

WHEREAS, there are currently no prohibitions or  
restrictions against trapping in these areas; and

WHEREAS, according to the "Trap Safety for Pet Owners"  
guide that is published by the Alaska State Department of Fish  
and Game, Division of Wildlife Conservation's and the Alaska  
Trappers Association, trapping is a popular pastime and a  
livelihood for some and occurs throughout Alaska, even on some  
popular recreation trails; and

WHEREAS, MSB 23.05.050(A) already prohibits a person from  
placing personal property upon or making unauthorized use of  
Borough owned real property without written permission from the  
Manager; and

WHEREAS, there are no express trapping restrictions on  
Borough owned public school sites, or within the Borough owned  
Crevasse Moraine trails; and

WHEREAS, allowing traps to be placed on Borough owned  
public school sites or within the Borough owned Crevasse Moraine  
trails or nearby is incompatible with the intended educational  
and or recreational uses for those areas; and

WHEREAS, school site users, including children, may not be able to timely identify the location of traps on public school property and may not be able to successfully avoid them; and

WHEREAS, recreational trail users, including children, may not be able to timely identify the location of traps of on Borough owned Crevasse Moraine Trail and may not be able to successfully avoid them accordingly; and

WHEREAS, allowing traps to be placed in these areas could inadvertently, but seriously injure those using these areas including children and/or the pets individuals they recreate with; and

WHEREAS, at least dogs have been inadvertently caught in traps in the Borough over the year/s and treated by the Animal Care and Regulation shelter; and

WHEREAS, dogs in the Borough have suffered significant injuries as a result of being caught in traps; and

WHEREAS, AS 29.35.010(8) provides the Borough the power to manage and control real property; and

WHEREAS, the Borough has an interest in managing its property to protect the property users; and

WHEREAS, the Borough has an interest in managing its trail property to ensure the primary intended uses such as walking,

hiking, running, biking etcetera, with or without pets, is safe from conflicts relating to traps; and

WHEREAS, the Borough has an interest in protecting domestic animals and the power to do so pursuant to A.S. 29.35.210(a)(3).

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 24.05.010 is hereby amended as follows:

"Trapping" means the placing or setting of a trap. It does not include the possession or transportation of traps.

Section 3. Amendment of section. MSB 24.05.020(A) is hereby amended as follows:

(A) The borough generally has jurisdiction only over domestic and domesticated animals. Except for purposes of enforcing MSB 2.85.020, MSB 19.12.015, and MSB 24.05.105, the borough does not have jurisdiction over the following animals:

- (1) wild animals; and

(2) game animals, the taking or possession of which is regulated by the state or federal government.

Section 4. Adoption of section. MSB 24.05.105 is hereby adopted as follows:

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animal:

(1) Within any Borough maintained trail, or within 100 feet of such, on Borough owned property which is part of the Crevasse Moraine trail system, unless they are performing an educational demonstration, pursuant to a Borough issued permit, and the traps are removed at the end of the day the presentation began.

(2) On any part of public school property owned by the Borough, unless they are performing an educational demonstration pursuant to written permission from the School Administration, and the traps are removed at the end of the day the presentation began.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area in which trapping is expressly prohibited by the chapter.

(D) This section shall not apply to property owned by other entities. This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(E) Violation of this section shall be punishable as set forth in MSB 24.40.

Section 5. Amendment of section. MSB 24.40.050 is hereby amended as follows:

24.05.105 Trapping Prohibited

1<sup>st</sup>Offense \$150

2<sup>nd</sup>Offense \$300

3<sup>rd</sup> and Subsequent \$500

Section 6. Adoption of section. MSB 24.40.055, is hereby adopted as follows:

24.40.055 FORFEITURE OF TRAPS

Ownership rights of any trap found on public school property owned by the Borough, or within any Borough maintained trail that is part of the Crevasse Moraine Trail system or within 100 feet of such, are forfeited upon conviction of MSB 24.05.105.

Section 7. Amendment of section. MSB 2.85.020(D) is amended as follows:

(D) [THE MANAGER MAY CLOSE OR RESTRICT TRAILS BECAUSE OF ENVIRONMENTAL, SEASONAL, SAFETY CONCERNS, or OTHER VALID REASONS AND MAY RESTRICT CERTAIN USES TO AVOID TRAIL CONFLICTS OR SAFETY CONCERNS.] Except as provided in MSB 24.05.110, Borough owned property which is part of the Crevasse Moraine trail system is closed to trapping, attempting to trap, or aiding and abetting in trapping any wild or domesticated animal on Borough maintained trails and within 100 feet of any such trail to prevent trail conflicts and ensure safety. Trapping in this area is allowed if the individual is performing an educational demonstration, pursuant to a Borough issued permit, and the traps are removed at the end of the day the presentation began.

(1) The Borough will prepare and keep current a map showing the Borough owned property areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) This section shall not apply to property owned by other entities. This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(4) Violation of this section shall be punishable as set forth in MSB 1.45.

(E) The Manager may close or restrict additional trails because of environmental, seasonal, safety concerns, or other valid reasons and may restrict certain uses to avoid trail conflicts or safety concerns.

Section 8. Adoption of Section. MSB 2.85.030 is adopted as follows:

**2.85.030 DEFINITIONS**

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap. It does not include the possession or transportation of traps.

Section 9. Amendment of Chapter Title. The title is amended as follows:

[OPERATION OF MOTOR VEHICLES] SCHOOL PROPERTY

Section 10. Adoption of Section. MSB 19.12.020 is hereby adopted as follows:

19.12.020 TRAPPING PROHIBITED

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animals on any part of public school property owned by the Borough unless they are performing an educational demonstration pursuant to written permission from the School Administration, and the traps are removed at the end of the day the presentation began.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The School District, Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(D) Violation of this section shall be punishable as set forth in MSB 1.45.

Section 11. Adoption of Section. MSB 19.12.030 is hereby adopted as follows:

19.12.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap. It does not include the possession or transportation of traps.

Section 12. Amendment of Section. MSB 1.45.100(C) is hereby amended as follows:

19.12.020 Trapping on School Property

1<sup>st</sup> Offense \$150

2<sup>nd</sup> Offense \$300

3<sup>rd</sup> and Subsequent \$500

23.05.105 Trapping Prohibited

1<sup>st</sup> Offense \$150

2<sup>nd</sup> Offense \$300

3<sup>rd</sup> and Subsequent \$500

Section 13. Adoption of section. MSB 1.45.105 is hereby adopted as follows:

1.45.105 FORFEITURE OF TRAPS

Ownership rights of any trap found on public school property owned by the Borough, or any trap found on a Borough maintained trail or within 100 feet of such on Borough owned property which is part of the Crevasse Moraine trail system, forfeited upon conviction of MSB 2.85.020(D) or MSB 19.12.020.

Section 14. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

\_\_\_\_\_  
VERN HALTER, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**MATANUSKA-SUSITNA BOROUGH  
PARKS, RECREATION, AND TRAILS ADVISORY BOARD  
RESOLUTION NO. 16-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD SUPPORTING SUBSTITUTION OF THE TWO ATTACHED ORDINANCE PROPOSALS ADDRESSING 1) TRAPPING ON MATANUSKA-SUSITNA BOROUGH OWNED DEVELOPED SCHOOL PROPERTIES; AND 2) TRAPPING RESTRICTIONS WITHIN THE MATANUSKA-SUSITNA BOROUGH OWNED PROPERTY WITHIN THE CREVASSE MORAINES TRAIL SYSTEM IN LIEU OF PROPOSED ORDINANCE 16-XX AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING 24.05, MSB 2.85. AND MSB 19.12 TO PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND THE BOROUGH OWNED PORTION OF CREVASSE MORAINES TRAIL SYSTEM.

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WHEREAS, population within the Mat-Su Borough continues to increase, and safety risk management issues surface for consideration, reasonable mitigation and accommodation of issues should be pursued. Legally regulated and protected activities should only be infringed where a defined public benefit can be achieved; and

WHEREAS, an ordinance was proposed to modify Matanuska-Susitna Borough Code which presented undocumented and unsubstantiated information as its motivation. This would have adversely impacted the activities of a segment of Mat-Su Borough residents and other State of Alaska residents as their otherwise legal activities within the Mat-Su Borough would be prohibited in portions of the Mat-Su Borough. In response this Board has split the original proposal into two separate subjects and drafted substitutions which impose some restrictions on those

activities felt to represent risk while reinforcing the legal framework and safety based in the Matanuska-Susitna Borough Code currently in force governing what was perceived as a conflicting activity; and

WHEREAS, the Parks, Recreation, and Trails Advisory Board has objected to the structure, language, and impacts associated with the original proposal, we have drafted substitute language to address the perceived needs of the originators while preserving the rights and safety of others.

NOW, THEREFORE, BE IT RESOLVED, that the Parks, Recreation, and Trails Advisory Board supports withdrawal of the original Trapping Prohibited Ordinance, and recommends adoption of the substitute draft ordinances covering 1) trapping restrictions on Matanuska-Susitna owned developed school property; and 2) trapping restrictions within the Matanuska-Susitna Borough owned portion of the Crevasse Moraine Trail System.

ADOPTED by the Matanuska-Susitna Borough Parks, Recreation, and Trails Advisory Board this 29<sup>th</sup> day of December, 2016.

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David Palmer, Chair

ATTEST:

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Jill Irsik, CD Admin. Spec.

Addendum to Resolution - Comments to Original

1. Unclear in its application
2. Two dissimilar issues requiring dissimilar solutions.
  - A. Either two proposals or two separate stand-alone sections.
3. Underlying tenets not clear - purported issue is risk posed by traps, whereas unrestrained pets are obviously the motivational issue while some significant trail usage issues are ignored or overlooked - such as organized cross country ski meets.
4. Unintended impacts and ramifications of language in the original proposal - such as changing the Title 24 Animal Control Officer duties and the legal procedures imposed on property owners dealing with nuisance or dangerous animals - which in most cases this does not have anything to do with Crevasse Moraine.
5. Improper assignment in MSB code - the stated issues are Resource Utilization Issues - Title 28. The Animal Control language modifies the animal control officer duties and requirements levied on property owners when dealing with nuisance or dangerous animals, i.e. under the proposal must return animals to their owner at owner request as opposed to current code where the Animal Control authorities have control of animal disposition.
6. Use of the word "Prohibition" in the Proposed Title is argumentative and will generate conflicts between trail users as the proposal is actually about a restriction, not prohibition - inflammatory language to what purpose?
7. If the risk posed by traps is sufficiently severe to require a doubling of the penalties contained in MSB Title

1.45.010 then the risk posed by unrestrained dogs in Crevasse Moraine must also be more severe than in the general public and consideration should be given to doubling the penalties for unrestrained dogs to aid in additional safety for trail users in Crevasse Moraine.

8. The original proposal appears to be an effort to turn Crevasse Moraine into a dog park. If the MSB sees the need to create a dog park then a capital project should be initiated to create one - and not adversely impact a well-used prime recreation area like Crevasse Moraine.

If the original proposal is to be brought forward an in-depth review and revision should be made first to correct the issues identified above. Suggest that if a substitution is not made then text in the original must be modified.

**MSB 28.70.020 Trapping Restrictions on MSB Owned School Property.**

Section 1. Within the MSB trapping is prohibited on MSB owned property within 100 feet of MSB owned developed school property or within the fence on MSB owned school property which is enclosed by a fence, except on established roads and trails on section lines and in designated areas. Nothing in this Regulation except as specifically stated, is intended to alter or modify the Regulations of the State of Alaska Department of Fish and Game or the Regulations which apply to the designated Federal Subsistence use areas within the MSB managed by the US Fish and Wildlife Service. In the event of a conflict between directives the higher authority shall prevail.

Section 2.

- (A) Applicable MSB schools include Elementary, Middle, High, and Non-Traditional schools listed on the Home page of the MSB School District website. Exempted activities include classroom type educational and training activities conducted with the coordination and consent of MSB School officials; and simple possession and transport of traps on or across MSB school property when no trapping activity is conducted or intended on MSB owned school property by the person(s) in possession of said traps.
- (B) The Alaska Department of Fish and Game, Alaska Department of Public Safety, US Fish and Wildlife Service, MSB Animal Control Officers, and their agents or designees may trap animals within the area in which trapping is expressly prohibited by this chapter.
- (C) Section 1 of this Chapter shall not apply to the trapping or capture of rats, mice, shrews, similar vermin, or animals designated as a public hazard or nuisance by appropriate authority.

Section 3.

(A) Violation of this Section may be punishable as set forth in MSB 1.45.010.

(1) Trapping Prohibited :

First Offense - \$150.00

Second Offense - \$300.00

Third Offense - \$500.00

- (2) Traps found set on MSB owned school property as listed in Section 1 unless being used in compliance with Section 2 (A and/or B) are forfeited upon discovery.

Dpalmer

Ver 1.1

12/07/16

Note – Should this be inserted in MSB Code Chapter 19 rather than 28? If so then text remains the same.

**MSB 28.70.030 Trapping and Pet Restrictions within MSB Owned Portion of Crevasse Moraine Trail System.**

Section 1. Within the MSB owned portion of Crevasse Moraine Trail System trapping is prohibited on MSB owned property within 100 feet of maintained trails and developed areas (trailheads, maintained trails, restrooms, pavilions, sledding hills) unless traps are placed under water for ice sets for mink, beaver, muskrat and otter or in an elevated box set or a ground box set for marten, mink and weasel within 100 feet of the trail. Trappers shall be allowed to trap as usual beyond the 100 foot buffer shown on the Crevasse Moraine Trail System map as designed and maintained by the MSB Division of Recreational Services and posted on the parking area kiosk at the MSB Crevasse Moraine Trailhead. Nothing in this Regulation except as specifically stated, is intended to alter or modify the Regulations of the State of Alaska Department of Fish and Game. In the event of a conflict between directives the higher authority shall prevail.

Section 2. Additional Pet Restrictions.

(A). Within the MSB owned portion of Crevasse Moraine Trail System to ensure reasonable conformity with Alaska State Park rules in effect on State of Alaska property and trails adjacent to the MSB owned portion of the Crevasse Moraine Trail System in addition to the provisions of MSB Code Title 24 pets controlled or restrained by leash shall have a maximum leash length of not more than nine feet.

Section 3. Applicability.

(A) This Chapter is applicable ONLY to the MSB owned portion of the Crevasse Moraine Trail System and users need to maintain an awareness that MSB regulations pertaining to restricted and/or prohibited activities within this MSB owned parcel DO NOT APPLY to the State of Alaska owned portions of this Recreation Area. Exempted activities within the MSB owned portion of the Crevasse Moraine Trail System include MSB permitted classroom type educational and training activities conducted with the coordination and written consent of the MSB Division of Recreational Services (permits may be applied for from MSB Recreational Services); and simple possession and transport of

traps on or across the MSB portion of the Crevasse Moraine Trail System when no trapping activity is conducted or intended on the MSB owned portion of the Crevasse Moraine Trail System by the person(s) in possession of said traps.

- (B) The Alaska Department of Fish and Game, Alaska Department of Public Safety, US Fish and Wildlife Service, MSB Animal Control Officers, and their agents or designees may trap animals within the area in which trapping is expressly prohibited by this chapter.
- (C) Section 1 of this Chapter shall not apply to the trapping or capture of rats, mice, shrews, similar vermin, or animals designated as a public hazard or nuisance by appropriate authority.

#### Section 4. Enforcement.

(A) Violation of this Chapter shall be punishable as set forth in MSB 1.45.010 with the following amendment .

(1) Trapping Prohibited or Unrestrained Pets :

First Offense - \$150.00

Second Offense - \$300.00

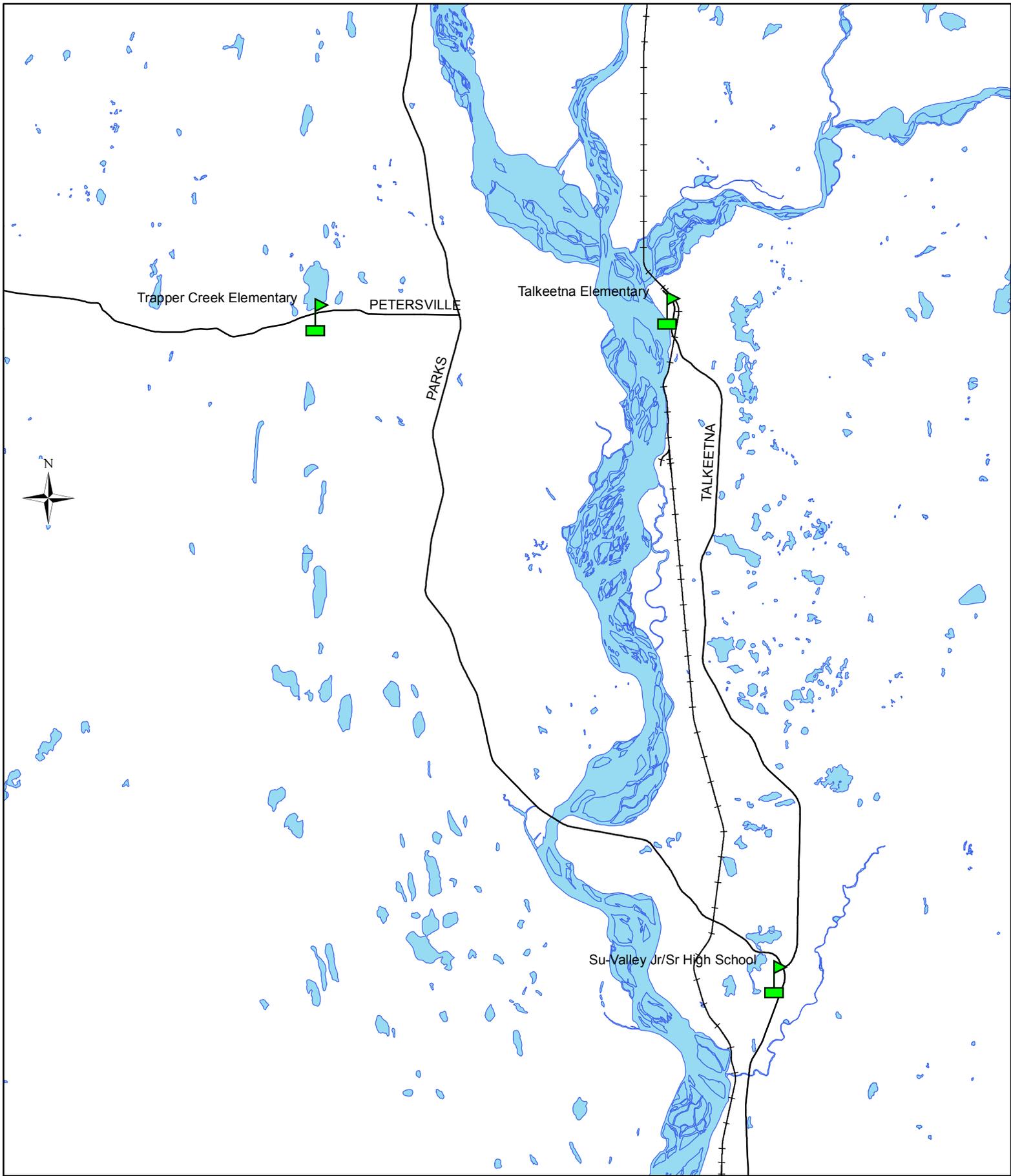
Third Offense - \$500.00

(2) Traps found set or placed on the MSB owned portion of the Crevasse Moraine Trail System as listed in Section 1 unless being used in compliance with Section 1 or in compliance with Section 3 (A and/or B) are forfeited upon discovery.

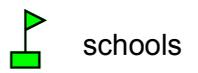
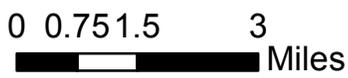
Dpalmer

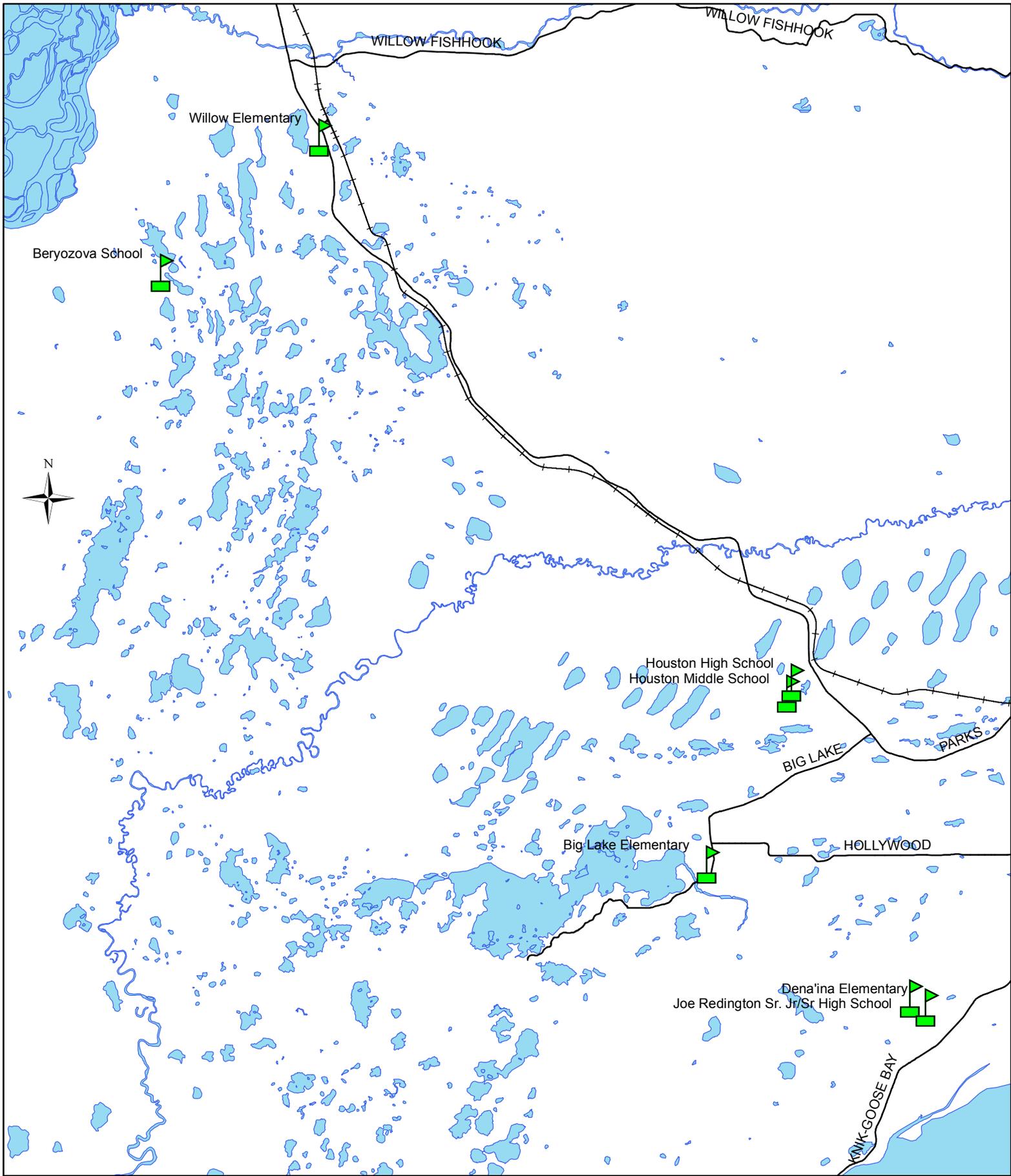
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12/15/16



# Northern Valley Schools Talkeetna and Trapper Creek

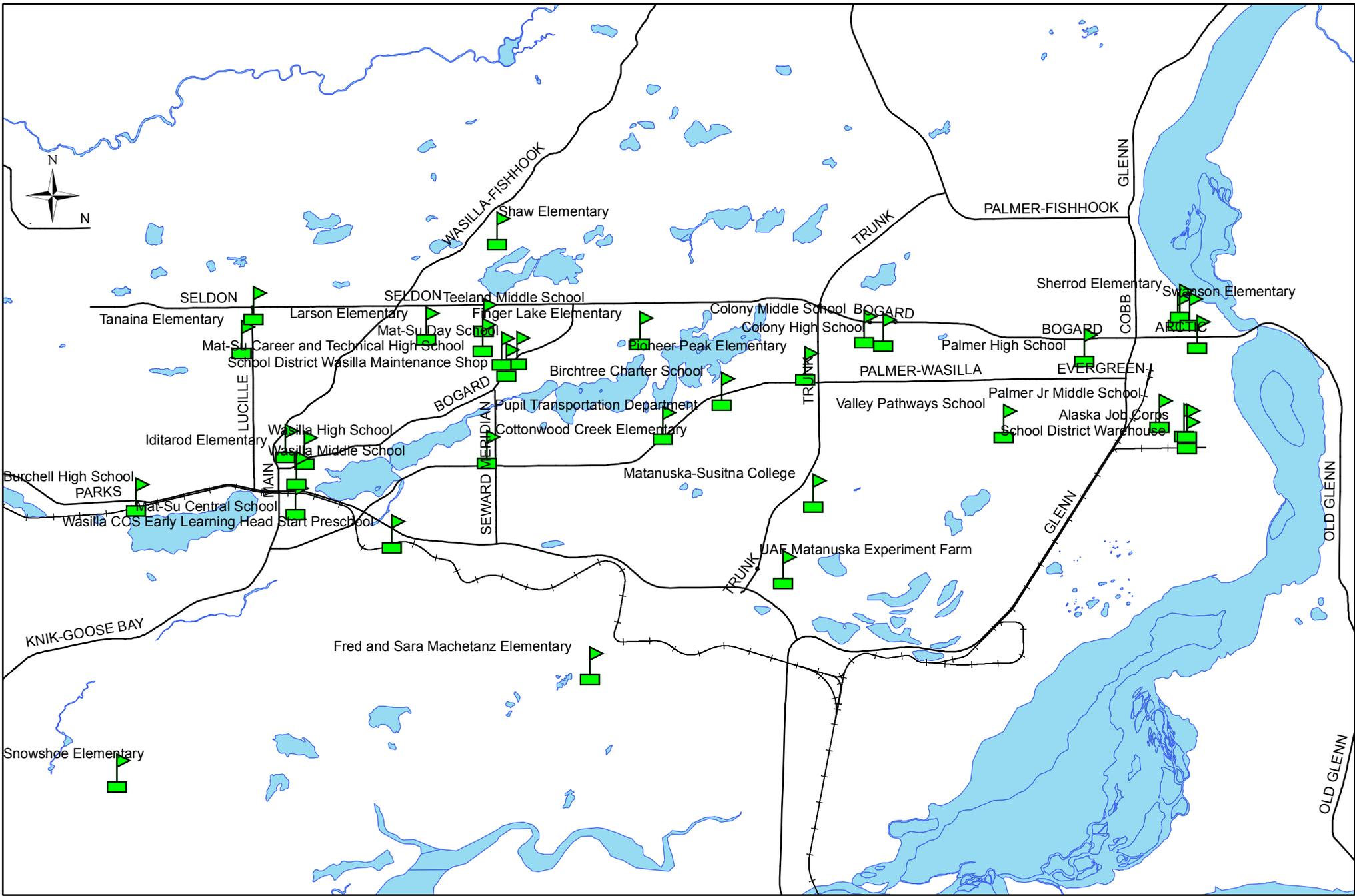




**Western Valley Schools**  
 Willow, Houston, Big Lake,  
 Knik Goose Bay Road



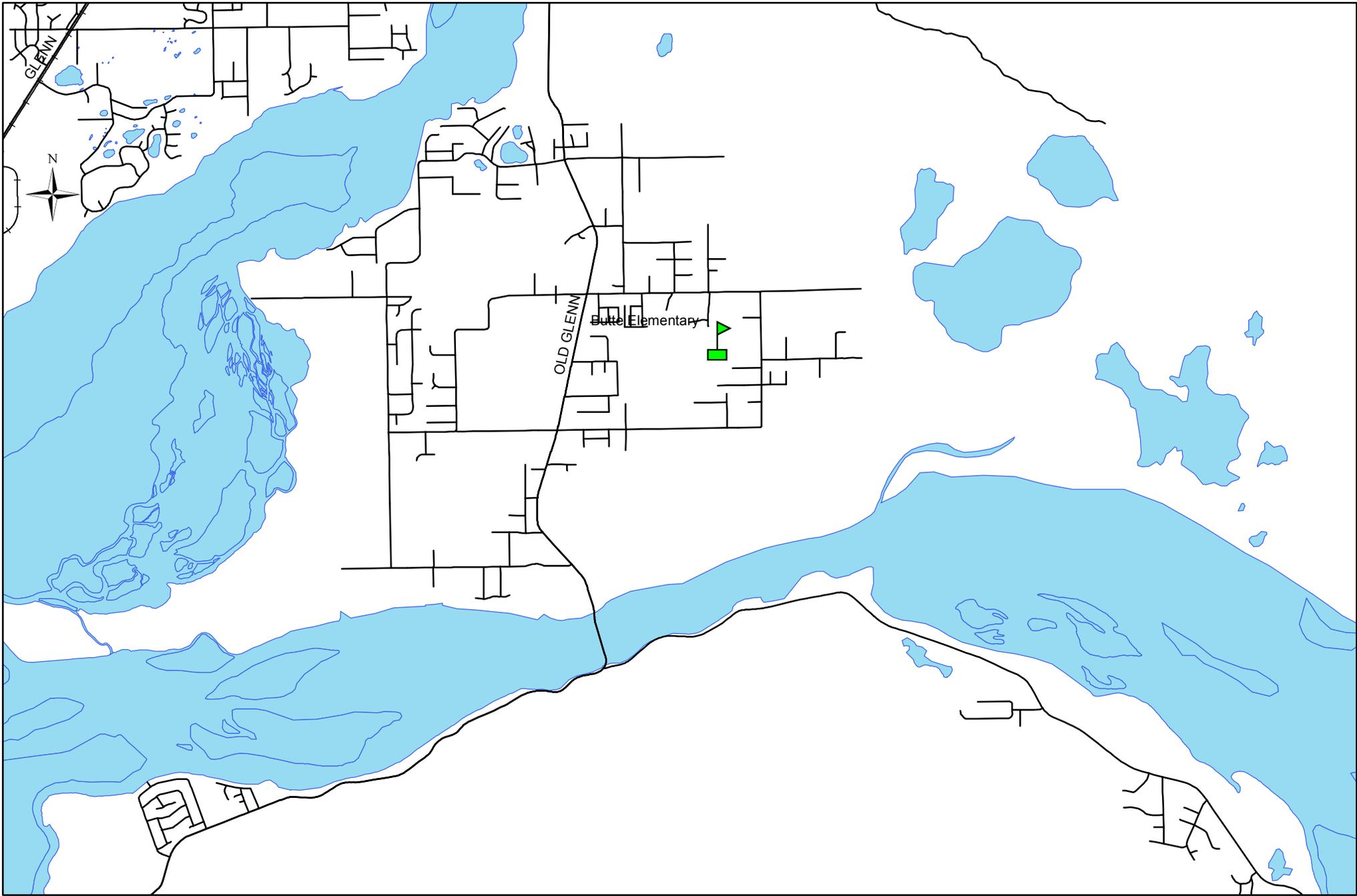
-  schools
-  Major Roads



# Core Area Schools Palmer Wasilla Area

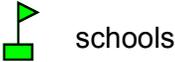


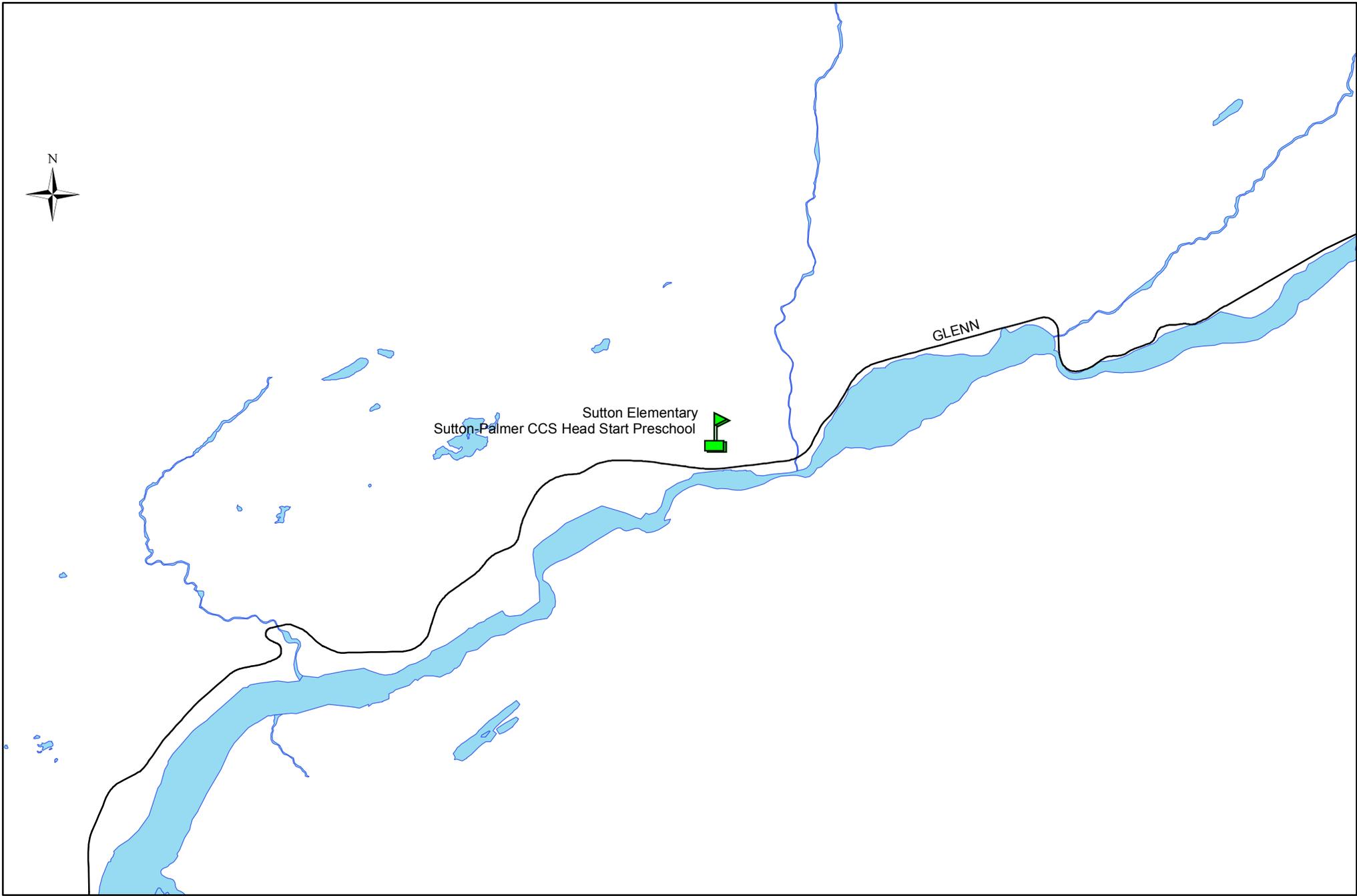
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-  Major Roads



# Butte Area School

## Butte





Sutton Area School  
Sutton



-  schools
-  MajorRoads