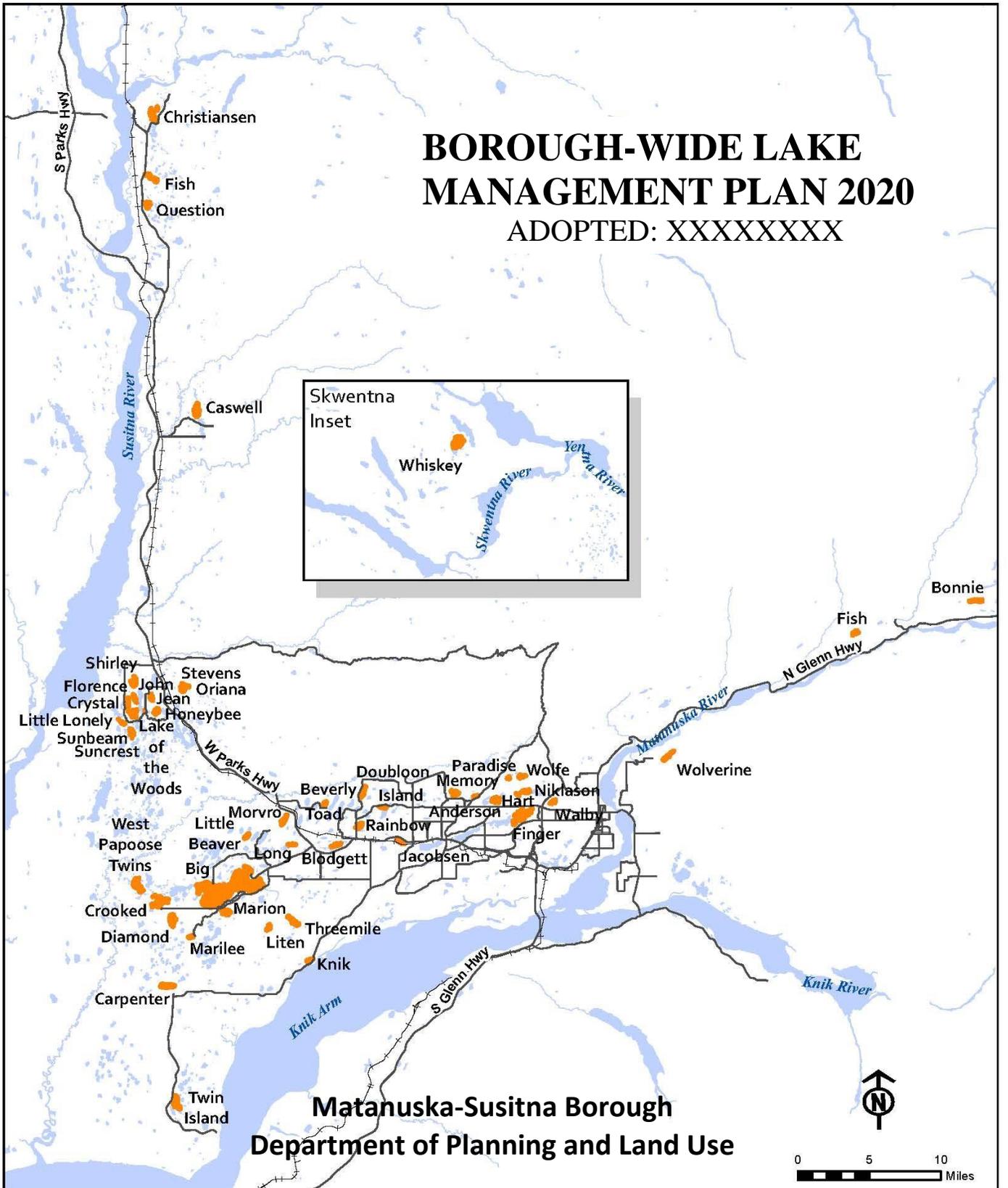


# BOROUGH-WIDE LAKE MANAGEMENT PLAN 2020 ADOPTED: XXXXXXXX



**Matanuska-Susitna Borough**  
**Department of Planning and Land Use**

# TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	PURPOSE .....	1
1.2	BACKGROUND .....	1
1.3	HISTORY.....	3
1.4	SCOPE.....	4
1.5	PROCESS.....	6
<b>2.0</b>	<b>INVENTORY OF EXISTING CONDITIONS.....</b>	<b>8</b>
2.1	LOCATION.....	8
2.2	PHYSICAL CHARACTERISTICS AND WATER QUALITY ISSUES.....	8
2.3	LAND USE AND OWNERSHIP.....	9
2.4	SOCIAL/DEMOGRAPHIC – USAGE.....	9
2.6	EXISTING PLANS.....	11
<b>4.0</b>	<b>GOALS .....</b>	<b>18</b>
4.1	EFFICIENCY .....	18
4.2	PRESERVE QUIET RECREATIONAL AND RESIDENTIAL CHARACTER.....	18
4.3	ENSURE SAFETY BETWEEN MOTORIZED AND NON-MOTORIZED USES.....	18
4.4	MAINTAIN WATER QUALITY AND PROTECT WILDLIFE.....	18
4.5	EDUCATE RESIDENTS AND VISITORS .....	18
4.6	MANAGE PUBLIC ACCESS.....	18
<b>5.0</b>	<b>IMPLEMENTATION RECOMMENDATIONS.....</b>	<b>19</b>
5.1	EFFICIENCY .....	19
5.2	PRESERVE QUIET RECREATIONAL AND RESIDENTIAL CHARACTER.....	19
5.3	ENSURE SAFETY BETWEEN MOTORIZED AND NON-MOTORIZED USES.....	19
5.4	MAINTAIN WATER QUALITY AND PROTECT WILDLIFE.....	19
5.5	EDUCATE RESIDENTS AND VISITORS .....	20
5.6	MANAGE PUBLIC ACCESS.....	20

## APPENDIX TABLE OF CONTENTS

APPENDIX A : LAKES WITH LAKE MANAGEMENT PLAN MAP .....	22
APPENDIX B : ASSESSMENT OF TROPHIC STATUS OF 25 LAKES IN THE MATANUSKA-SUSITNA BOROUGH, ALASKA.....	24
APPENDIX C: MATANUSKA-SUSITNA BOROUGH CODE 17.55 .....	26
APPENDIX D: FROZEN WATERS IN MAT-SU .....	32
APPENDIX E: GENERALLY ALLOWED USES ON STATE LAND FACT SHEET.....	35
APPENDIX F: SET-BACK DIAGRAM.....	40
APPENDIX G: STEER CLEAR! LOON ALERT!.....	42
APPENDIX H: VOLUNTARY BEST MANAGEMENT PRACTICES .....	46

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## **INTRODUCTION**

The Borough assembly values efficiency. They strive to provide the highest level of service without placing an excessive financial burden on taxpayers. The intent of this new Borough-Wide Lake Management Plan and the resulting revised process is to improve efficiency. While still providing the public with the opportunity to balance the physical and social demands of those that live or recreate on lakes within the Mat-Su Borough, with the need to maintain a healthy and productive lake ecosystem.

### **1.1 PURPOSE**

Existing Lake Management Plans contain a great summary of the uniqueness of each lake, all of which reflect a “snapshot in time” of how things were when the plan was prepared. It is also important to note that while the lakes themselves (depth, surface acres, etc.) may not change throughout the years, the social aspects and demographics of the lake property owners indeed may change. The current owners may wish to make changes to the enforceable regulations. Enforceable regulations resulting from existing lake management plans are implemented via MSB 17.59 Lake Management Plan Implementation. An amended plan and implementation process will allow those changes to take place in a much more expedient way.

MSB 17.58 is titled Motorized Uses on Lakes and Waterways. This chapter was originally initiated by a petition from property owners around three lakes and a creek in the core area which were the subject of the most intense summer recreational activities. The water bodies were Finger Lake, Cottonwood Lake, Wasilla Lake, and Cottonwood Creek. At this point, it makes sense to combine 17.58 Motorized Uses on Lakes and Waterbodies with 17.59 Lake Management Plan Implementation.

In conjunction with the borough-wide plan, an ordinance will be prepared to amend the process by which the enforceable regulations contained in MSB 17.58 and 17.59 will be addressed. Existing regulations will remain unchanged. However, under the new chapter, lake residents will still be able to identify which enforceable regulations they would like in place around their lake. They will also be able to amend, add or remove them through a more streamlined process, regardless of whether or not they have an individual plan and without changing the individual plan if one is in place.

### **1.2 BACKGROUND**

In 1995, the Borough adopted the first Lake Management Plan, the Knik Lake, Lake Management Plan. Since its adoption, forty additional lake management plans (LMP’s) have been adopted into MSB 15.24.030 (C).

At the time of the creation of this plan, the following LMP’s have been adopted:

- (1) Knik Lake, Lake Management Plan, adopted 1995.
- (2) Crooked Lake, Lake Management Plan, adopted 1995.

- (3) Honeybee Lake, Lake Management Plan, adopted 1995.
- (4) Rainbow Lake, Lake Management Plan, adopted 1995.
- (5) Island and Doubloon Lake, Lake Management Plan, adopted 1995.
- (6) West Papoose Lake, Lake Management Plan, adopted 1995.
- (7) John Lake, Lake Management Plan, adopted 1995.
- (8) Crystal Lake, Lake Management Plan, adopted 1995.
- (9) Bonnie Lake Area, Lake Management Plan, adopted 1996.
- (10) Wolf Lake, Lake Management Plan, adopted 1997.
- (11) Twin Island Lake, Lake Management Plan, adopted 1997.
- (12) Fish Lake, Lake Management Plan, adopted 1997.
- (13) Blodgett Lake, Lake Management Plan, adopted 1997.
- (14) Big Lake, Lake Management Plan, adopted August 1998.
- (15) Memory Lake, Lake Management Plan, adopted September 1998.
- (16) Toad Lake, Lake Management Plan, adopted September 1998.
- (17) Walby Lake, Lake Management Plan, adopted September 1998.
- (18) Question, Little Question, Lake Five and Unnamed Lakes, Lake Management Plan, adopted 1998.
- (19) Marilee Lake, Lake Management Plan, adopted 1998.
- (20) Diamond Lake, Lake Management Plan, adopted 1999.
- (21) Christiansen Lake, Lake Management Plan, adopted 1999.
- (22) Neklasen and Lower Neklasen Lakes, Lake Management Plan, adopted 2000.
- (23) Marion Lake, Lake Management Plan, adopted 2000.
- (24) Long Lake (Houston), Lake Management Plan, adopted 2001.
- (25) Three Mile Lake, Lake Management Plan, adopted 2002.
- (26) Wolverine Lake, Lake Management Plan, adopted 2004.
- (27) Whiskey Lake, Lake Management Plan, adopted 2004.
- (28) Little Lonely Lake, Lake Management Plan, adopted 2005.
- (29) Jean Lake, Lake Management Plan, adopted 2006.
- (30) Liten Lake, Lake Management Plan, adopted 2006.
- (31) Shirley Lake, Lake Management Plan, adopted 2006.
- (32) Florence Lake, Lake Management Plan, adopted 2006.
- (33) Carpenter Lake, Lake Management Plan, adopted 2006.
- (34) Stevens and Oriana Lake, Lake Management Plan, adopted 2007.
- (35) Paradise Lake, Lake Management Plan, adopted 2007.
- (36) Morvro Lake, Lake Management Plan, adopted 2007.
- (37) Jacobsen Lake, Lake Management Plan, adopted 2008.
- (38) Sunbeam and Suncrest Lakes, Lake Management Plan, adopted 2008.
- (39) Little Beaver Lake, Lake Management Plan, adopted 2008.
- (40) Lake of the Woods, Lake Management Plan, adopted 2010.
- (41) Caswell Lake, Lake Management Plan, adopted 2014.

When the plans were completed they were adopted into MSB Title 15 Planning. They contain recommendations for implementation through a variety of different means, one

of which is through adopting enforceable regulations into MSB Chapter 17.59, Lake Management Plan Implementation.

### 1.3 HISTORY

Legislative History: Lake Management Plans (LMP) MSB 15.24.031 and 17.59 as of May 2014:

**1995 to 1998:** Nineteen (19) individual LMPs created by community request with recommendations of public information, best management practices, and unenforceable regulations to be implemented under MSB 15.24.030(C) as adopted parts of the overall Borough Comprehensive Plan.

**July 7, 1998 - Ordinance 98-052:** Added language to MSB 15.24.030(C) creating the two year wait period between LMP amendments unless there was an imminent threat. The intent was to allow time for LMP implementation and to lessen workloads on staff due to communities wishing to immediately change the plan. The wait period was created due to actions directed towards the Blodgett LMP that had been adopted in September 1997 with a personal watercraft (PWC) prohibition. During the LMP process, the proposed PWC prohibition had arisen as an extremely controversial issue amongst the community. A few months after adoption, a landowner on Blodgett Lake against the prohibition wished to re-amend the LMP to remove the PWC restriction.

**March 2, 1999 - Ordinance 99-052(AM):** Created MSB 17.59 "Lake Management Plan Implementation". The intent was to provide enforcement authority to the Borough over the existing unenforceable regulations specified by LMPs under MSB 15.24.030(C). Existing LMPs with implementation recommendations that fell under this chapter became enforceable. The regulations that became enforceable included quiet hours for recreational motorized use, no-wake zones, the prohibition of water craft use, the prohibition of PWC, use limited to electric motors, horsepower limitations, special permits for building material transportation, the prohibition of on-highway vehicles on iced lake surfaces, and ice house registration.



**June 15, 1999 - Ordinance 99-102(AM):** Created MSB 15.24.031 "Initiating and Amending LMPs." The intent was to provide consistency to the LMP process that is community derived. Before adoption the process was started by a petition with an ambiguous number of signatures, an informational meeting was held to determine if the process would be initiated, and then the Planning Department would create the plan.

**June 15, 1999 - Ordinance 99-103 (Non-Code):** Established regulatory recommendations for LMPs. The intent was to provide consistent LMPs through the use of general guidelines based upon lake acreage.

**1999 to 2002:** Six (6) LMPs adopted.

**December 3, 2002 - Ordinance 02-201:** Created MSB 15.59.060(D)(10), which defined and regulated the use of motorized amphibious vehicles. The intent was to differentiate an amphibious vehicle from a PWC. The use of amphibious vehicles became an additional enforceable regulation for LMPs, which was implemented on Three Mile Lake.

**March 3, 2003 - Ordinance 03-044(AM):** Further refined MSB 15.24.031 into its current form. The intent was to clarify internal policy concerning the petition and balloting process, so it was consistent with the MSB Code. Language to MSB 15.24.031 was changed to reflect that only property owners could be counted during petitioning, as listed by borough tax assessment records, and public lands not held in trust were not to be counted for the petition or ballot. The amendment also changed the 45 days that the planning department had to respond to the petition to 60 days, specifying that a numbered notice be sent to each property owner per parcel owned and created a balloting deadline of 60 days.

**2004 to 2006:** Eight (8) LMPs adopted.

**June 20, 2006 - Ordinance 06-107:** Added the definition from non-Code Ordinance 99-103 of "Time Share" as an enforceable regulation under MSB 17.59.005(A). The intent was to allow for shared use on lakes with horsepower or motorized use limitations. Motorized use restrictions are applicable Sunday thru Wednesday; they do not apply on Thursday thru Saturday or all three-day weekends mandated by federal holiday (Memorial Day, Fourth of July, and Labor Day).

**2007 to 2010:** Seven (7) LMPs adopted.

**August 6, 2013 - Ordinance 13-102:** Amended MSB 17.59.060(G) "Ice Houses." The intent was to reduce conflicts between landowners and users of ice houses during the winter. Consistency to MSB 17.55.020(A) was created by requiring ice house separations from the high water mark by 75' and other ice house by 30'. It requires ice house users to capture human fecal matter and urine, remove it from the lake ice, and deposit into a private or public sewage system. It also specifies that ice houses would be removed from the ice, along with trash, and other contents before break-up occurs. This ordinance was brought forward by the Big Lake Community Council recommending the amendment due to a proliferation of user conflicts and pollution associated with increased population and winter recreation on the frozen lake.

#### 1.4 SCOPE

Lake management plans guide how the surface of the lake should be used and makes recommendations concerning public access and education of lake users to meet the goals

of the plan. Certain aspects of the plan can be implemented as enforceable regulations through MSB Title 17.59.

The borough assembly adopted guidelines (see **June 15, 1999 – Non-Code Ordinance 99-103 above**), for appropriate regulations for different sizes of lakes as follows:

#### LAKES HAVING 75 SURFACE ACRES OR LESS

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*
- ✓ No wake speed zone on lake\*

\* These options *may* be recommended on a daily time share basis.

#### LAKES MORE THAN 75 SURFACE ACRES TO 200 SURFACE ACRES

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*\*
- ✓ No wake speed zone on lake\*\*

\*\*These options *must* be on a daily time share basis.

#### LAKES MORE THAN 200 SURFACE ACRES

May recommend the following options:

- ✓ No wake zone - 150 feet from shoreline
- ✓ Quiet hours - 11 p.m. to 8 a.m.

#### FOR ALL LAKES

- ✓ Access recommendations will be consistent with traditional use and current level of access development.
- ✓ Quiet hours apply to repetitive recreational activities such as water skiing and racing or high speed activities NOT to moderate speed point to point transportation.
- ✓ No wake is defined as the slowest speed a boat or personal watercraft can go and still maintain safe operation and maneuverability.
- ✓ Time share means restrictions do not apply on Thursday, Friday, Saturday, and all three day weekends mandated by federal holiday (Memorial Day, Fourth of July, and Labor Day).
- ✓ Ice house means a structure utilized for ice fishing and left on the frozen surface of a lake for more than 24 hours.

- ✓ Motor vehicles means automotive vehicles with rubber tires for use on highways.
- ✓ Motorized watercraft use means the operation of watercraft powered or propelled by a force other than human muscle power, gravity, or wind. This definition does not include airplanes as motorized watercraft when landing, taking off, or taxiing on a water body.
- ✓ Personal watercraft includes vehicles such as jet skis, wave runners, and similar acrobatic or stunt equipment.
- ✓ A wake is the track in the water left after the passage of watercraft or other vehicle.
- ✓ A special permit is a permit approved by the planning director for a special purpose and is limited to a specific time to conduct an event that would otherwise involve activities in violation of MSB 17.59.

These guidelines could be varied due to lake configuration, lake depth, or other considerations.

## 1.5 PROCESS

Previously, lake management plans were initiated by local residents or property owners. The initiators circulated a Borough issued petition and were required to get the minimum number of signatures on the petition required by code.

Once a valid petition was filed with the department, a ballot was mailed to all property owners within 600 upland feet of the affected lake. This ballot served as a notice of the receipt of a valid petition and requested an advisory vote to begin the lake management process. The Borough began a lake management plan if the majority of property owners responding to the mailed ballot voted in favor of developing a lake management plan.

Borough planning staff collected background information on the lake and encouraged adjacent property owners and users to participate in the planning process. Borough staff facilitated meetings with lake users, lake residents, and property owners to identify issues and concerns and to establish goals and objectives that were incorporated into the draft plan.

Plans contained an inventory of existing conditions including:

- location
- physical characteristics of the lake (i.e., depth, surface acres, the topography of surrounding land, Alaska Department of Fish and Game bathymetric information if available, miles of shoreline)
- existing access
- land use and ownership

- social/demographic – usage
- existing plans and programs
- existing regulations
- general setback and lot size requirements

Further, the plan contained goals and recommendations of the surrounding property owners and other lake users, which would be implemented in a variety of ways. Implementation methods included regulations in MSB 17.59 Lake Management Plan Implementation, public notification, signage and/or gates at the public access point outlining regulations, or on the water in the form of floating signs to notify lake users of possible nesting loons or other waterfowl. On occasion and if appropriate, property owners and lake users would work with the Borough or State of Alaska parks and recreation departments to develop certain access if such access was practical and funding was available for construction and continued maintenance of the access point.

Many of the property owners and lake users shared the same concerns about their lakes. Most of the following concerns were expressed in one way or another:

- \* Protection of the quiet residential/recreational character and safety of the lake
- \* Protection of the water quality
- \* The potential for erosion and harm to waterfowl caused by wakes
- \* Potential impacts from future development and increased recreational usage
- \* Limiting horsepower on smaller lakes
- \* Safety for non-motorized uses
- \* Recommendations on public access

The draft plan was then reviewed by the public and community council and by the borough Planning Commission. The Commission considered all oral and written comments received in a public hearing and recommended to the Assembly adoption of the plan as is, or with modifications, or recommended Assembly disapproval of the plan. The Assembly either adopted the plan as it was presented or with modifications, or voted down the plan.

Some of the planning processes went smoothly, however, many of them became contentious and required multiple meetings, which included multiple notifications and occasionally, many hours of overtime for night meetings. On some occasions, the process pitted neighbor against neighbor, and on a few occasions, even caused residents to sell their home and move to another location.

Recently, there have been requests for new plans or updates to existing plans, but staff has not had the resources to meet those requests. As planning staff's duties have increased, fewer resources are available to spend the amount of time needed to sustain the current LMP process. This is the main reason this new borough wide lake management plan and the new process is being crafted.

## 1.0 Inventory of Existing Conditions

### 2.1 Location

A map (Appendix A) shows existing lakes (41) in the Borough that have an individual lake management plan, several of which are off the road system.

Data gathered for the 2015 update of the National Hydrography Dataset shows approximately 4,862 lakes, five acres or more in size, within the Borough. As most of these are off the road system, the scope of the current Lake Management Plan process has expanded into a project that is unsustainable with existing borough resources.

### 2.2 Physical Characteristics and Water Quality issues

Lakes comprise one of the Mat-Su Borough's most valuable natural resources and economic assets, and they provide for a host of recreational pursuits such as fishing, swimming, boating, and camping as well as specialized uses such as drinking water supply. In addition, many of the lakes in the Borough support commercially viable stocks of salmon. Moreover, these lakes constitute an immeasurable aesthetic resource, and as a consequence of rapid population growth, residential development and associated land use activities have increased dramatically over the past 4 decades. Such changes in land usage can include shoreline alteration, associated problems with storm-water runoff carrying nutrients and pollutants, impacts from fisheries, and changes in hydrology, all of which can influence a lake's water quality or trophic state.

Lakes throughout the Borough vary in size, depth, and makeup. In 2000, the Alaska Department of Fish and Game produced an "Assessment of Trophic Status of 25 Lakes in the Matanuska-Susitna Borough, Alaska" (Appendix B); shows the geographic and morphometric information and physical characteristics for those 25 area study lakes. The report contains conclusions and recommendations to implement a multi-lake limnological monitoring program to examine water chemistry, nutrient concentrations, and algal biomass levels over a period of at least 2-3 years.

Physical characteristics of individual lakes (surface acres, mean and maximum depth and configuration) has generally been the method used by the Borough to establish appropriate guidelines for enforceable regulations (see pages 4 and 5). This plan is recommending a similar approach.

#### MSB Lake Water Quality Monitoring Program

Beginning in the early 2000s and for about 18 years, the Borough coordinated a volunteer Lake Water Quality Monitoring Program. This program monitored water quality, identified problems that degrade water quality, monitored the biological and hydraulic functions of the lake and established baseline trends to assist planning in identifying the impact of increased development on and around lakes. The program depended on local volunteers to gather information and take samples for further testing. In addition, lake monitors identified fish and wildlife habitat and reported environmental impacts of

natural or human-made origin. Many of the lakes with management plans also had individuals who would volunteer their time to participate in the program, although it was not a requirement.

Data was collected and summarized each year; this information is stored with the Borough Planning Department. Even though volunteers conducted the monitoring. There was a budgetary impact in the planning department in the form of volunteer training, water testing, equipment calibrating, maintenance and storage, and the gathering and summarizing of the data each year to create the reports. While the Lake Water Quality Monitoring Program was popular, budgetary constraints lead to its retirement in 2018.

### 2.3 Land Use and Ownership

Property around lakes in the Borough can consist of privately owned, Borough or State-owned, or some other entity such as a native corporation, Mental Health Trust, or the University of Alaska. Subdivisions around lakes which are created by the subdivision process are generally intended for recreational and residential development. There is a minimum lot size and width, and lots need to be configured to allow not only for adequate waste and water separation, but also to ensure that any waste system is set back at least 100 feet from the lake. There is also a 75 foot waterbody setback for habitable structures, see MSB 17.55 (Appendix C).

### 2.4 Social/Demographic – Usage

The present human use of many (but not all) lakes may be characterized as being primarily recreational and residential. Covenants or plat notes recorded with the subdivisions surrounding lakes generally limit development to residential/recreational only. Smaller lakes are



generally quieter, as the size is not conducive to large motors and high-speed recreational activities. In many cases, the Borough receives a request for a lake management plan when high-speed and loud motorized recreational use, such as jet-skis and ski boats, begin to occur on a small lake where that activity has not traditionally occurred.

To effectively manage lake usage and protect water quality, future development plans around lakes should be identified in some way. However, one of the main challenges is the lack of traditional land-use zoning regulations throughout the Borough. It is important to note that the regulations resulting from lake management plans do not regulate the use that can take place on the land surrounding the lake, but how the surface of the lake is to be used.

## 2.5 Public Access

Public access to lakes is also often a contentious issue. On occasion, lake property owners may try to limit public access to the lake by making recommendations in the plan on how existing access should be managed, such as walk-in only, no developed parking, installing gates, etc. In other situations, the platting office may receive a request to vacate either section line easements, or other dedicated public access points. When these requests are received, they are reviewed very closely by both the Borough and the State, as retention of public access to water bodies is a requirement in Alaska Statutes as well as borough code.

On some of the smaller lakes, there may already be limited or even no public access points. In other situations, there are publicly owned lands that could potentially provide access but may not be appropriate to develop due to wetlands or topographical challenges. Many of the larger lakes with adjacent Borough or state land have dedicated public access through those lands, including parking and launch facilities. Still, the Borough is limited in its resources for managing these sites. Unauthorized camping, sanitation problems, vandalism, and dumping of trash and junk vehicles are routine problems at public lake access sites. On a limited number of lakes, the State of Alaska ADF&G or ADNR has identified access for sport fishing opportunities as a result of their stocking efforts.

Another issue is how the lake is accessed in the winter when the lake surface is frozen. Snowmobile access and use on frozen lakes can be even more contentious. Generally, the only enforceable regulations during that time of year are quiet hours and regulation of ice houses. It is also important to note that access to some remote subdivisions surrounding lakes throughout the Borough is limited to airplane, ATV, boat, or snowmobile access only.

In 2008 the Borough adopted the Regional Aviation Systems Plan which was prepared through a grant from the FAA. The executive summary states, in part:

The Matanuska-Susitna Borough has the highest concentration of public and private airports in the nation. With 10 public airports and over 200 private airports, over 1,000 aircraft, more pilots per capita than most of the rest of Alaska and the nation and millions of dollars of economic impacts to the region's economy, aviation is vitally important to the economy of the region and lifestyle of its residents.

The Borough is not currently an airport owner or operator, nor does it have any aviation or airspace authority. Existing lake management plans reviewed and recorded an inventory of floatplane activity, if any, on their lake. Some of the lake plans include quiet hours, which are intended to discourage the activity of touch-an-goes during those quiet hours, and may include recommendations that pilots take certain cautions to ensure the safety of lake users during their takeoffs and landings. Generally, this is implemented

through best practices, public information, and communication efforts. However, these lake management plans and any resulting regulations are in no way intended to regulate the use of floatplanes, air space, or any other aspect of aviation.

## 2.6 Existing Plans

### State

The State plans generally affecting the use of State land in the Mat-Su Borough are the Southeast Susitna Area Plan (SSAP) 2008 and the Susitna Matanuska Area Plan (SMAP) 2011. These plans make recommendations on management intent, land use designations, management guidelines, and classifications. The goals outlined in both of these area plans are:

- **Economic Development.** Provide opportunities for jobs and income by managing state land and resources to support a vital, self-sustaining, and diverse local economy.
- **Environment and Habitat.** Manage state land to protect natural ecosystems and wildlife habitats, and to avoid user conflicts.
- **Fiscal Costs.** Minimize the needs for and the fiscal cost of providing government services and facilities such as schools and roads.
- **Public Health and Safety.** Maintain or enhance public health and safety for users of state land and resources.
- **Public Use.** Provide, plan, enhance, and manage diverse opportunities for public use of state lands, including uses such as hunting, fishing, boating, and other types of recreation.
- **Quality of Life.** Maintain or enhance the quality of the natural environment, including air, land, and water, and fish and wildlife habitat and harvest opportunities; provide opportunities to view wildlife and the natural environment, and protect heritage resources and the character and lifestyle of the community.
- **Settlement.** Provide opportunities for private ownership and leasing of land currently owned by the State.
- **Sustained Yield.** Maintain the long-term productivity and quality of renewable resources, including fish and wildlife, agriculture, timber, and above-ground renewable energy resources.

There are several other plans applicable to State Lands in the Borough, such as the Hatcher Pass Management Plan 2010, Knik River Public Use Area Management Plan 2006, Matanuska Valley Moose Range Management Plan 1986, and the Nancy Lake State Recreation Area Management Plan. This is just a brief summary of the State plans that may be applicable, the reader is directed to the State of Alaska website for more current information.

## Borough

Borough plans that address lakes in some manner include the Borough-wide Comprehensive Plan 2005 update, the 2017 Borough-Wide Long Range Transportation Plan, Public Facilities Plan, and the MSB Recreational Trails Plan.

The Borough-wide comprehensive plan does not make specific recommendations for any particular lake; rather, the plan makes a series of general recommendations for waterbodies in general, which do not reflect the current social, economic, or development realities.

Goals from the 2005 Matanuska-Susitna Borough Comprehensive Development Plan that apply to lakes or water quality are:

***Land Use Goal 4:*** *Protect and enhance the Borough's natural resources including watersheds, groundwater supplies and air quality.*

***Policy 1:*** *Identify, monitor, protect, and enhance the quantity and quality of the Borough's watersheds, groundwater aquifers, and clean air resources.*

***Parks and Open Space Goal 2:*** *Protect and preserve natural resource areas.*

***Policy 1:*** *Work cooperatively with numerous resource management agencies, community councils and citizens to care for lakes, wetlands, streams, rivers and wildlife habitat and corridors while providing public access for recreational opportunities that have minimal impacts to such areas.*

***Community Quality Goal 1:*** *Protect natural systems and features from the potentially negative impacts of human activities including, but not limited to, land development.*

***Policy 1:*** *Use a system-wide approach to effectively manage environmental resources. Coordinate land use planning and management of natural systems with affected state and local agencies as well as affected Community Council efforts.*

***Policy 2:*** *Manage activities affecting air, vegetation, water, and the land to maintain or improve environmental quality, to preserve fish and wildlife habitat, to prevent degradation or loss of natural features and functions, and to minimize risks to life and property.*

***Community Quality Goal 2:*** *Manage the natural and built environments to achieve minimal loss of the functions and values of all drainage basins; and, where possible, enhance and restore functions, values, and features. Retain lakes, ponds, wetlands, streams, and rivers and their corridors substantially in their natural condition.*

***Policy 1:*** *Using a watershed-based approach, apply best available science in formulating regulations, incentives, and programs to maintain and, to the degree possible, improve the quality of the Borough's water resources.*

***Policy 2:*** *Comprehensively manage activities that may adversely impact surface and ground water quality or quantity.*

The Borough Public Facilities Plan makes recommendations on a regional basis for the provisions of public services, including the development of public facilities necessary to the provision of those services. Services included in the plan are public safety (fire protection, emergency medical services, and emergency preparedness); library; historical preservation; governmental administration; education; parks, recreation, and open space; trails; and utilities.

The Long Range Transportation Plan (LRTP) recommends future road improvements for a road network that will meet the stated goal and objective for the future of MSB transportation. The LRTP was last updated in 2017.

The MSB Recreational Trails Plan makes a variety of recommendations for trails borough-wide. The plan acknowledges significant trails throughout the Borough. It makes a variety of recommendations for providing connectivity and access to public lands during all seasons, acquiring rights-of-way and resolving encroachments on private property.

## 2.7 Existing Regulations

This section describes the principle regulations affecting use and development on or around water bodies in the Mat-Su Borough.

### Federal

Any work which results in the dredging or placing of structures or fills in tidal (ocean) waters, streams, lakes, or wetlands requires a 404 permit from the U.S. Army Corps of Engineers.

Migratory birds, which include loons and grebes, are protected by the Migratory Bird Treaty Act. The Act, among other things, prohibits the “taking” of migratory birds. Destruction of nest sites, eggs, or the birds themselves are a violation of the Act.

Operation of aircraft, both private and commercial, is regulated by the Federal Aviation Administration.

### State

The Alaska Department of Environmental Conservation (DEC) provides regulations for wastewater disposal. DEC wastewater/septic regulations [18 AAC 72.015(f)] state that no holding tank, septic tank, soil absorption system, seepage pit, privy, or other waste water collection, treatment, or disposal system may be within 100 feet, measured horizontally, of the mean annual high water level of a lake, stream, spring, slough, or the mean higher high water level of coastal waters.

In addition to the U.S. Army Corps of Engineers 404 permit requirements; any activity within streams and certain work within lakes require a Title 41 permit from the Alaska Department of Natural Resources (DNR). The Alaska Department of Fish & Game Division of Habitat has issued a general permit allowing vehicle movement on frozen water

surfaces in the Matanuska-Susitna Borough without a special permit (Appendix D). Finally, the general ADF&G fishing regulations apply to lakes.

A navigable or public waterbody includes water suitable for commercial navigation, floating of logs, landing and take-off of aircraft, and public boating, trapping, hunting of waterfowl and aquatic animals, fishing, or other public recreational purposes.

Land that has been or is currently owned by the State of Alaska, and is adjacent to a navigable or public waterbody has special access requirements. Alaska Statute (AS 38.05.127) requires access to the surface waters of navigable and public waterways, typically through a "to" easement. Additionally, land adjacent to navigable or public waters may be subject to an "along" easement, which provides a 50-foot public use easement along the waterway adjacent to the ordinary high-water mark. These easements are created when the State or Borough obtains patents to their lands and stay with the property when the land is disposed of. State and Borough lands transferred prior to the adoption of AS 38.05.127 are not usually subject to the "to" and "along" easements. Also, lands patented by the federal government are not usually subject to the "to" and "along" easements.

And finally, the State of Alaska Department of Natural Resources, Division of Mining, Land and Water has created a fact sheet summarizing 11 AAC 96.020 listing Generally Allowed Uses on State Land (Appendix E). It covers:

- Travel Across State Land,
- Access Improvements on State Land,
- Removing or Using State Resources,
- Other Improvements and Structures on State Land,
- Miscellaneous Uses of State Land, and
- Conditions for Generally Allowed Uses

### Borough

Several Borough-wide ordinances address the development and use of land adjacent to lakes. The regulations are mostly contained within these chapters of the borough code: Title 15 Planning, Title 43 Subdivisions, Title 17 Zoning, and Title 23 Real Property Management.

Title 15 Planning establishes and describes the general functions of the Planning Commission (both planning and zoning functions) and the Board of Adjustment and Appeals. Title 15 also describes the comprehensive plan and purposes and contains the process for Lake Management Plans. Once adopted, the MSB Borough Wide Lake Management Plan will become an instrument of Borough policy similar to the other plans adopted by the Borough Assembly.

Title 43 Subdivisions provides the subdivision development standards within the Borough and establishes the Platting Board. Two of Title 43's requirements that are of special note

to the development at lakes in the Borough include a minimum lot size of 40,000 square feet, and a minimum lot width when measured at the lake's water line of one hundred twenty-five feet (Appendix F). If the community septic system is provided, then the minimum lot size is 20,000 square feet, and the minimum width may be eighty-five feet.

Zoning regulations (Title 17) that are of special note to development activities on all land within the Borough include setback requirements and conditional use permits. Presently, all structures must be a minimum of twenty-five feet from the right-of-way and ten feet from side and rear lot lines. Also, there is a requirement that all habitable structures and garages must be located at least seventy-five feet from the ordinary high water mark of any waterbed or watercourse (Appendix F). Title 17 contains several chapters for optional zoning to residential standards, and several neighborhoods around waterbodies have chosen to zone themselves to these standards. The Borough also requires that certain development which could potentially have an impact on the environment or surrounding neighborhoods must first obtain a conditional use permit. Title 17 is currently undergoing a re-organization effort and will become the new Title 30 Zoning.

Title 23 Real Property Management is the section of borough code that dictates how the Borough's public land is managed. The policy for this title is:

*23.05.010 POLICY.*

*(A) Real property in which the Borough has an interest shall be managed to:*

- (1) exemplify good land and water stewardship practices;*
- (2) minimize adverse environmental impact wherever possible;*
- (3) maximize revenue to the extent consistent with the borough's financial goals, in balance with the borough's nonfinancial goals;*
- (4) develop and implement the borough-owned land and resource management plan;*
- (5) make vacant borough-owned real property available for development where and when it is feasible to do so;*
- (6) implement specific goals as the assembly may adopt by resolution; and*
- (7) maximize to the extent feasible or practical the food production capability of class II and class III soils.*

*(B) In carrying out the borough-owned real property management functions, the manager shall use prudent business practices and adhere to sound real property management principles.*

Private

In general, private regulations that exist around lakes would be in the form of subdivision covenants. Plat notes with land-use restrictions exist on some of the plats recorded for properties around lakes, but for the most part, the Borough does not enforce subdivision covenants or plat notes. For the most current information about covenants, the reader is referred to the State of Alaska Recorders Office.

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### 3.0 Issues and Concerns

The issues and concerns usually identified by residents when lake management plans were implemented generally include:

- Protection of the quiet residential/recreational character and safety of the lake
- Protection of the water quality
- The potential for erosion and harm to waterfowl caused by wakes
- Potential impacts from future development and increased recreational usage
- Limiting horsepower on smaller lakes
- Safety for non-motorized uses
- Recommendations on public access

Since the Lake Management Plan process began, it has generally been a positive effort. However, as mentioned earlier in this plan, it has, in some cases, become very contentious and time-consuming both for the public and for borough staff. There has been a concerted effort recently by borough administration and directors to provide necessary services most efficiently, and to eliminate those tasks and services that are not necessary. Adopting one borough-wide lake management plan is one step toward meeting the value of the Assembly to provide a high level of service without an excessive financial burden to the taxpayers. When this plan is adopted, there will no longer be a need for individual plans. The streamlining occurs when these individual plans are no longer necessary, and the lake property owners and residents can implement or change individual regulations on their lake through a simpler and cleaner process.

#### **4.0 Goals**

The first goal shows the Assembly's goal of Efficiency. The remaining goals summarize the aspirations of lake residents, property owners, and users mainly expressed in existing lake management plans. They are not shown in priority order as they are interdependent.

##### **4.1 Efficiency**

To provide the highest level of service without placing an excessive financial burden on taxpayers.

##### **4.2 Preserve Quiet Recreational and Residential Character**

It is generally the desire of property owners and residents of lakes in the Borough to preserve the quiet and peaceful residential character of the lakes, while allowing safe recreational uses for both residents and visitors.

##### **4.3 Ensure safety between motorized and non-motorized uses**

It is the desire of lake users to be able to recreate on the water safely, without fear of accidents or injury between swimmers, motorized and non-motorized uses.

##### **4.4 Maintain Water Quality and Protect Wildlife**

Lakes in the Mat-Su are a significant natural resource. It is the desire of property owners, residents, and users of the lakes to maintain or improve the lake's water quality and to ensure that recreational uses of the lake are compatible with wildlife and habitat.

##### **4.5 Educate Residents and Visitors**

It is the desire of property owners and residents of lakes in the Borough to utilize public education as a means to accomplish many of the goals of the lake management plan and to encourage responsible development on properties surrounding the lake.

##### **4.6 Manage Public Access**

Developing and managing public access to lakes is a challenging and expensive endeavor. Generally, public access should be developed on a publicly owned parcel or via a section line or other right-of-way or easement. Requests to vacate public access to any waterbody should be closely scrutinized and only approved if equal or better access is provided. Means to fund the development of access areas may be available through grants or CIP funding. Still, ongoing maintenance is equally expensive and should be thoroughly explored as part of the process.

## 5.0 Implementation Recommendations

### 5.1 Efficiency

Continue to pursue ways to improve governmental planning processes.

### 5.2 Preserve Quiet Recreational and Residential Character

Residents and property owners generally initiated the lake management planning process to protect the quiet recreational and residential use of the lake. Means by which to implement this could include:

- Quiet hours
- Horsepower limitations
- Personal watercraft limitations

Regulations used to implement this goal should be considered based on the lake size, depth, and configuration.

### 5.3 Ensure safety between motorized and non-motorized uses

Lake users generally desire to be able to recreate on the water safely without fear of accidents or injury between motorized and non-motorized uses.

Methods to implement this goal could include:

- Horsepower limitations
- No-Wake Zone on the shoreline
- Public Information

### 5.4 Maintain Water Quality and Protect Wildlife

Certain uses, such as high powered motorized watercraft and personal watercraft (a.k.a. jet skis), can create wakes that contribute to shoreline erosion and disturb nesting waterfowl. Wake action may cause loon and grebe mortality by swamping nests or by separating parents from chicks. Noise caused by large motors may also disturb waterfowl. The size, depth, and configuration of the lake should be used to determine how to accomplish this goal.

Most individuals will not disturb wildlife or nesting fowl when or if they are informed of its location and the proper behavior when near it. Several techniques can be employed to provide the public with information about nesting loons and grebes, including providing signage at lake access points. Loon and grebe alert notices and general information about loons and grebes could be posted on a weather-protected signboard at the lake's public access point to inform the public about proper "loon or grebe etiquette" (Appendix G).



Maintaining a natural shoreline habitat is one of the best ways to protect water quality. Natural shoreline vegetation provides erosion control, filtering of surface runoff,

and habitat for fish and wildlife. It is recommended that lakeshore property owners follow Matanuska-Susitna Borough's voluntary best management practices for development around water bodies (Appendix H).

Methods to implement this goal could include:

- Horsepower limitations
- No-Wake Zone on the shoreline
- Public Information (signage and BMPs)

#### 5.5 Educate Residents and Visitors

It is recommended that the following methods could be used to educate residents and visitors to lakes in the Borough about use restrictions and best management practices:

- Mail notifications to property owners summarizing any existing regulations and encouraging respectful use of the resources. Also, include information on the Voluntary BMPs for Development around Waterbodies.
- Post lake restrictions along with any "Property for Sale" signs to inform potential buyers that lake restrictions are in place.
- Post lake restrictions at public access point to the lake to inform lake users that lake restrictions are in place.
- Inform residents about the process for reporting violations to the Borough Code Compliance Division.

#### 5.6 Manage Public Access

- The Borough should work with the public to develop a Public Access Management Policy for lakes.
- The Borough should endeavor to identify and sign each of the Borough's controlled accesses. Signs could indicate the lake's public access point, whether or not it is maintained, enforceable regulations, and basic rules such as no camping, no trash, no campfires, etc...

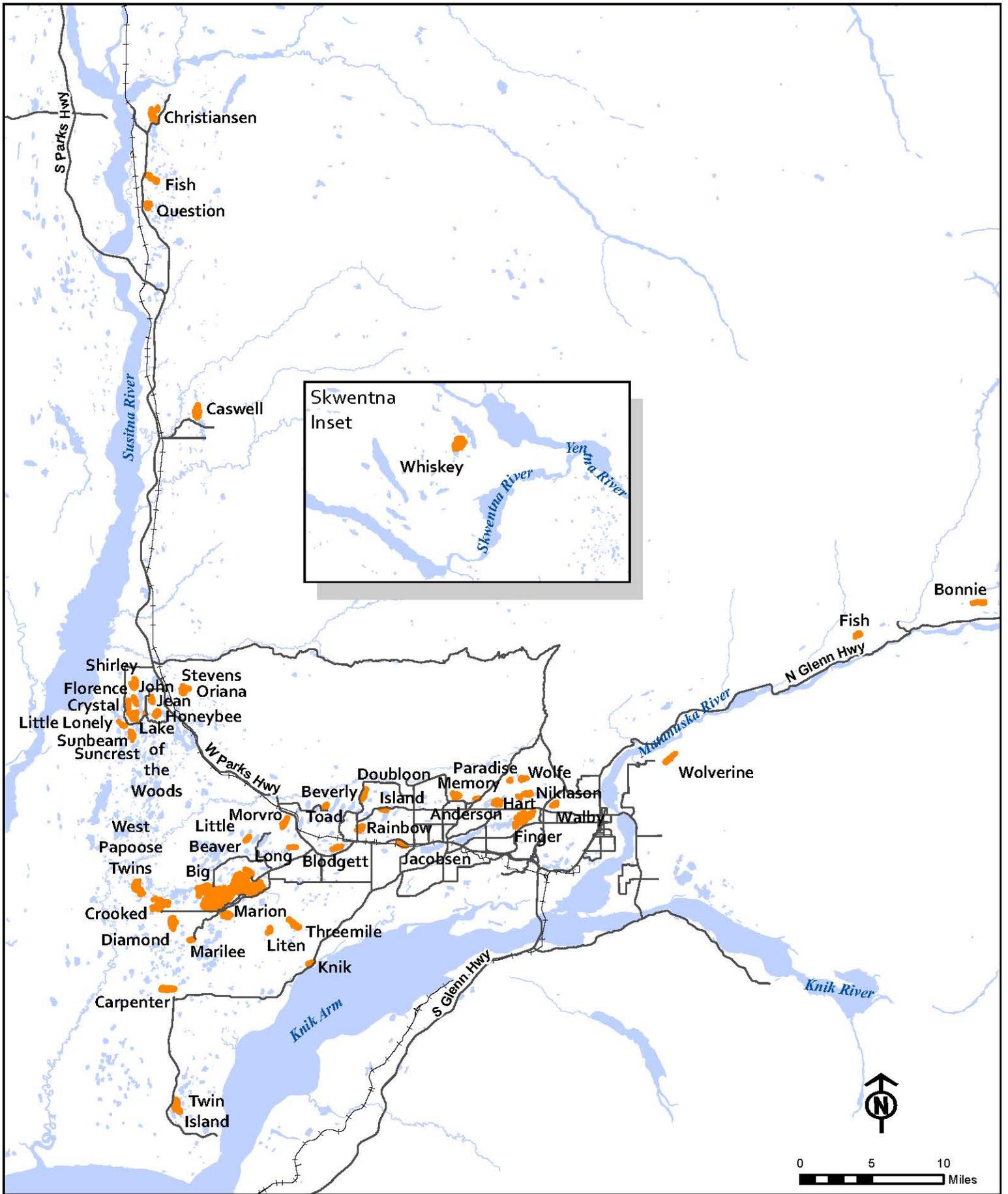
### IMPLEMENTATION

GOAL	ENFORCEABLE REGULATIONS	PUBLIC INFORMATION	OTHER (CIP, BONDS, ETC.)	RESPONSIBLE ENTITY
Efficiency	X	X		MSB
Maintain Quality of Life	X	X		
Ensure safety between motorized and non-motorized uses	X	X		
Maintain Water Quality and Protect Wildlife	X	X		
Educate Residents and Visitors		X		MSB and Property Owners
Manage Public Access		X	X	MSB

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**Appendix A : Lakes with Lake Management Plan Map**

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This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858

 Lakes included in Plan  
 MSBIT/GIS Division  
 Map date: Friday, April 17, 2020

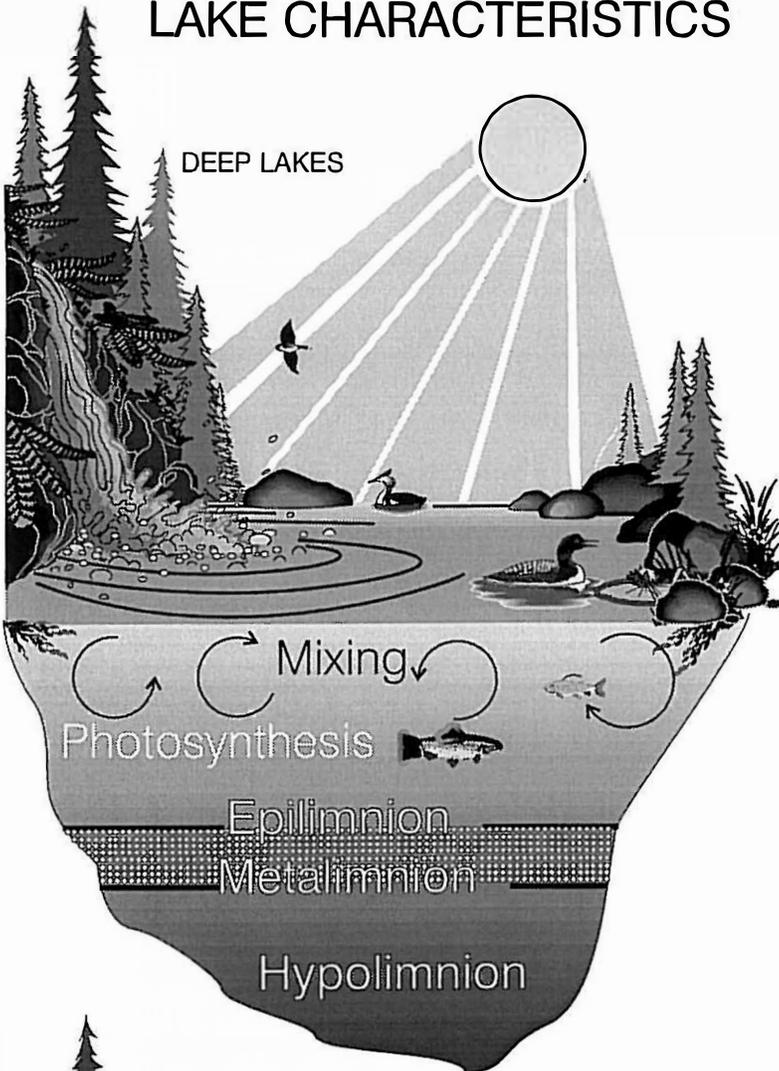
# MSB Lake Management Plan Updated 2020



**Appendix B : Assessment of Trophic Status of 25 Lakes in the Matanuska-Susitna Borough,  
Alaska**

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# LAKE CHARACTERISTICS



## Epilimnion

The upper layer of water in a lake that is comprised of uniformly warm water that may be well mixed.

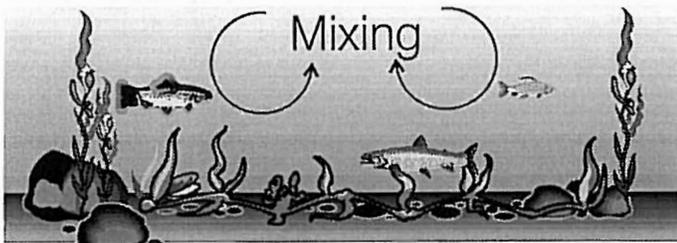
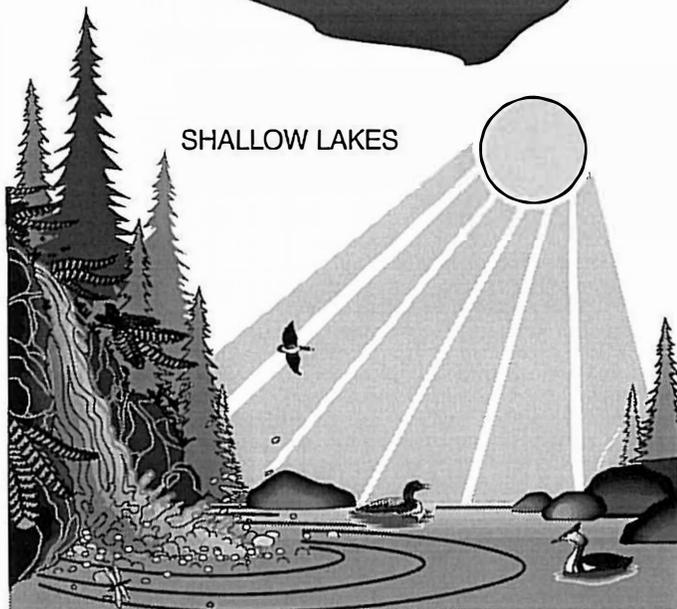
## Metalimnion

The middle layer of water in a lake that marks the transition between top and bottom layers, where temperature changes rapidly with depth.

## Hypolimnion

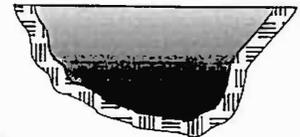
The bottom layer of water in a lake that is comprised of uniformly cold and relatively undisturbed water.

Source: A Citizen's Guide  
To Understanding and Monitoring Lakes and Streams  
By Joy P. Michaud



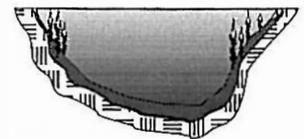
## Oligotrophic

Clear water, low productivity  
very desirable fishery of large game fish



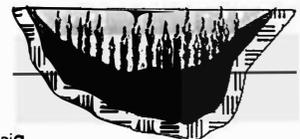
## Mesotrophic

Increased production  
Accumulated organic matter  
Occasional algal bloom  
Good fishery



## Eutrophic

Very productive  
May experience oxygen depletion  
Rough fish common



Source: A Lake Leaders  
Handbook 1995  
UWEX-LAKES PROGRAM  
Understanding Lake Data  
By Bryon Shaw, Christine  
Machenich and Lowell Klessig

**Appendix C: Matanuska-Susitna Borough Code 17.55**

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## CHAPTER 17.55: SETBACKS AND SCREENING EASEMENTS

Section

[17.55.004 Definitions](#)

[17.55.005 General](#)

[17.55.010 Setbacks](#)

[17.55.015 Shorelands; definition \[Repealed\]](#)

[17.55.020 Setbacks for shorelands](#)

[17.55.040 Violations, enforcement, and penalties](#)

**17.55.004 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- “Aircraft hangar” means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories.
- “Boathouse” means a roofed structure which is used to completely or partially enclose and store boats and boating accessories.
- “Building” means any structure intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.
- “Building line” means the line of that part of the building nearest the property line.
- “Dedication” means the reservation of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in A.S. 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.
- “Engineer” means a registered professional civil engineer authorized to practice engineering in the state of Alaska.

- “Incidental” means subordinate and minor in significance and bearing a reasonable relationship to the primary use.
- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Lot depth” means the average distance between front and rear lot lines.
- “Lot frontage” means all property abutting the right-of-way of a dedicated street or road easement, measured along the right-of-way between side lot lines of a lot.
- “Lot width” means the average distance between side lot lines.
- “Official streets and highway plan” means a map and attendant document depicting the proposed system of freeway, arterial, and collector streets in the borough, as adopted by the planning commission and by the assembly, and which is on file in the planning department office, together with all amendments thereto subsequently adopted.
- “Ordinary high water mark” means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the other side of the mark.
- “Parcel” means an unsubdivided plot of land.
- “Right-of-way” means a strip of land reserved, used, or to be used for a street, alley, walkway, airport, or other public or private purpose.
- “Structure” means anything that is constructed or created and located on or above the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility boxes and other incidental structures related to utility services; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided.

- “Surveyor” means a professional land surveyor who is registered in the state of Alaska.
- “Utility box” means electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.
- “Utility services” means the generation, transmission, or distribution of electricity, gas, communications, and municipal water and sewer systems.

(Ord. 17-088(SUB), § 2, 2017; Ord. 13-164, §§ 2, 3, 2013; Ord. 93-042, § 2 (part), 1993; Ord. 89-072, § 2 (part), 1989; Ord. 88-221, § 2 (part), 1988)

**17.55.005 GENERAL.**

This chapter establishes minimum structural setbacks from lot lines, water courses and water bodies, rights-of-way, and specific screening easements for certain lands within subdivisions in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(Ord. 03-053, § 2, 2003; Ord. 88-190, § 3 (part), 1988)

**17.55.010 SETBACKS.**

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthermost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

- (1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb;  
or
- (2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided other-wise by ordinance, no furthermost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which

otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not.

Pedestrian walkways:

- (1) shall not contribute to the building area or the number of stories or height of connected buildings; and
- (2) must comply with the current adopted edition of the International Building Code, except that the outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthest protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(Ord. 11-159, § 2, 2011; Ord. 11-019, § 2, 2011; Ord. 93-042, § 2 (part), 1993; Ord. 88-190, § 3 (part), 1988)

**17.55.015 Shorelands; definition. [Repealed by Ord. 17-088(SUB), § 3, 2017]**

**17.55.020 SETBACKS FOR SHORELANDS.**

(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

- (1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:
  - (a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;
  - (b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;
  - (c) not have more than incidental accessory access to a street or driveway; and
  - (d) not be usable as a garage or habitable structure without significant alteration.

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of

the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a “structure” is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. The planning commission shall require this distance be increased where necessary to protect waters within the borough.

(Ord. 17-088(SUB), § 4, 2017; IM 96-019, page 1, presented 3-19-96; Ord. 93-095, § 2, 1993; Ord. 93-042, § 2 (part), 1993; Ord. 90-052, § 3, 1990; Ord. 88-190, § 3 (part), 1988; initiative election of 5-5-87)

**17.55.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 26 (part), 1995)

**Appendix D: Frozen Waters in Mat-Su**

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**FISH HABITAT PERMIT FH18-IV-0008-GP**

**ISSUED:** January 1, 2018  
**EXPIRES:** December 31, 2022

General Public:

***Re: Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough***

Pursuant to AS 16.05.871(b), the Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of motorized vehicles on frozen anadromous water bodies within the Matanuska-Susitna Borough.

Categories of motorized vehicles covered by the GP include any wheeled, tracked, or other ground affect motorized vehicle with a dry vehicle weight of up to 12,000 pounds. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. The off-road use of any vehicle in excess of 12,000 pounds dry weight is not authorized under this General Permit. This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands) or movement on frozen water surfaces within legislatively designated special areas.

Various water bodies within the Matanuska Susitna Borough are specified as important for spawning, rearing, and/or migration of anadromous fish pursuant to AS 16.05.871(a). These waterbodies also support a variety of resident fish species.

Pursuant to AS 16.05.871(d), access to, crossings of, and/or egress from any frozen specified anadromous fish bearing water body within the Matanuska-Susitna Borough is authorized provided such activities are conducted in strict accordance with the following stipulations:

- 1) **This permit must be in your possession during stream crossings.**
- 2) There shall be no vehicles or equipment operated in the open (un-frozen) waters of any specified water body.
- 3) The use of snow or ice bridges, access ramps, or cribbing to cross any specified water body is prohibited unless approved, in writing, by the Department of Fish and Game, Division of Habitat.
- 4) Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
- 5) The bed or banks of any specified water body shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
- 6) No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.
- 7) No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.

You are responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the Division of

Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken which increases the scope of the approved activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the State free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this authorization applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing other State, Federal, or local permits. You are required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruptions to fish and game created by the project that were a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the Division of Habitat, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

If you have any questions, please call the Palmer Division of Habitat at (907) 861-3200.

Sincerely,

Sam Cotten, Commissioner

By: Ron Benkert, Regional Manager  
Division of Habitat  
907-861-3200

-jmk

cc: D. Dahl, AWT            S. Ivey, SF            A. Ott, Habitat            T. Hansen, SF  
D. Massie, AWT           Pagemaster, COE      C. Larson, DMLW        T. Long, SF

**Appendix E: Generally Allowed Uses on State Land Fact Sheet**

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## Fact sheet:



## Alaska Department of Natural Resources

### GENERALLY ALLOWED USES ON STATE LAND

Division of Mining, Land and Water • August 2011

As provided in 11 AAC 96.020, the following **uses and activities are generally allowed on state land** managed by the **Division of Mining, Land and Water** (these uses and activities may be restricted in legislatively designated areas, or special management category or status as listed in 11 AAC 96.014<sup>1</sup>). Uses listed as —Generally allowed do not require a permit from the Division of Mining, Land and Water. Note that this list does not apply to state parks, nor to land owned or managed by other state agencies such as the University of Alaska, Alaska Mental Health Trust, Department of Transportation and Public Facilities, or the Alaska Railroad. **You may need other state, federal or borough permits for these uses or activities.** Permits can be required from the Army Corps of Engineers, Department of Environmental Conservation, the Environmental Protection Agency, Alaska Department of Fish and Game Habitat Division (ADF&G-Habitat). Before beginning an activity on state land, the user should check to be sure it is generally allowed in that particular area.

#### TRAVEL ACROSS STATE LAND:

**Hiking, backpacking, skiing, climbing, and other foot travel; bicycling; traveling by horse or dogsled or with pack animals.**

**Using a highway vehicle** with a curb weight of up to 10,000 pounds, including a four-wheel-drive vehicle and a pickup truck, **or using a recreational-type vehicle** off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, including a snowmobile (or other tracked vehicle), motorcycle or ATV, on or off an established road easement, if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion. (Curb weight means the weight of a vehicle with a full tank of fuel and all fluids topped off, but with no one sitting inside or on the vehicle and no cargo loaded. Most highway rated sport utility vehicles are within the weight limit as are most small ATVs, including a basic Argo.) Use of larger off-road vehicles over 1,500 pounds curb weight, and the off-road travel of construction and mining equipment requires a permit from DNR. An authorization is required from the ADF&G-Habitat for any motorized travel in fish bearing streams.

**Landing an aircraft** (such as a single-engine airplane or a helicopter), or using watercraft (such as a boat, jet-ski, raft, or canoe), without damaging the land, including shoreland, tideland, and submerged land.

**Driving livestock**, including any number of reindeer or up to 100 horses, cattle, or other domesticated animals.

#### ACCESS IMPROVEMENTS ON STATE LAND:

Brushing or **cutting a trail** less than five feet wide using only hand-held tools such as a chainsaw (making a trail does not create a property right or interest in the trail).

**Anchoring a mooring buoy** in a lake, river, or marine waters, or placing a **float, dock, boat haulout, floating breakwater, or boathouse** in a lake, river, or in marine waters, for the personal, noncommercial use of the upland owner, if the use does not interfere with public access or another public use, and if the improvement is placed within the projected sidelines of the contiguous upland owner's parcel or otherwise has the consent of the affected upland owner. A float or dock means an open structure without walls or roof that is designed and used for access to and from the water rather than for storage, residential use, or other purposes. A boat haulout means either a rail system (at ground level or elevated with pilings) or a line attached from the uplands to an anchor or mooring buoy. A floating breakwater means a structure, such as a log bundle, designed to dissipate wave or swell action. A boathouse means a structure designed and used to protect a boat from the weather rather than for other storage, residential use or other purposes.

<sup>1</sup> These special use areas are listed in 11 AAC 96.014 and on the last page of this fact sheet. Maps of the areas are available online at: [www.dnr.state.ak.us/mlw/sua/](http://www.dnr.state.ak.us/mlw/sua/)

## REMOVING OR USING STATE RESOURCES:

**Hunting, fishing, or trapping**, or placement of a crab pot, shrimp pot, herring pound or fishwheel, that complies with applicable state and federal statutes and regulations on the taking of fish and game.

**Harvesting** a small number of **wild plants, mushrooms, berries, and other plant material** for personal, noncommercial use. The cutting of trees is not a generally allowed use except as it relates to brushing or cutting a trail as provided above. Commercial harvest of non-timber forest products requires a permit (11 AAC 96.035) and harvest practices must conform to the Alaska Non-Timber Forest Products Harvest Manual for Commercial Harvest on state-owned Lands. <http://dnr.alaska.gov/ag/NTFPRreports.htm>

**Using dead and down wood for a cooking or warming fire**, unless the department has closed the area to fires during the fire season.

**Grazing** no more than five domesticated animals.

**Recreational gold panning; hard-rock mineral prospecting or mining** using light portable field equipment, such as a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger; or **suction dredging** using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day. An authorization is required from ADF&G-Habitat prior to dredging in fish bearing streams.

## OTHER IMPROVEMENTS AND STRUCTURES ON STATE LAND:

**Setting up and using a camp** for personal, noncommercial recreational purposes, or for any non-recreational purpose (such as a support camp during mineral exploration), for no more than 14 days at one site, using a tent platform or other temporary structure that can readily be dismantled and removed, or a floathouse that can readily be moved. Moving the entire camp at least two miles starts a new 14-day period. Cabins or other permanent improvements are not allowed, even if they are on skids or another non-permanent foundation. The camp must be removed immediately if the department determines that it interferes with public access or other public uses or interests.

**Brushing or cutting a survey line** less than five feet wide using only hand-held tools (such as a chainsaw), or **setting a survey marker** (setting a survey monument—a permanent, official marker—requires written survey instructions issued by the Division of Mining, Land and Water under 11 AAC 53).

Placing a residential **sewer outfall** into marine waters from a contiguous privately owned upland parcel, with the consent of the affected parcel owners, if the outfall is within the projected sidelines of the contiguous upland parcel and is buried to the extent possible or, where it crosses bedrock, is secured and covered with rocks to prevent damage. Any placement of a sewer outfall line must comply with state and federal statutes and regulations applicable to residential sewer outfalls.

**Placing riprap or other suitable bank stabilization material** to prevent erosion of a contiguous privately owned upland parcel if no more than one cubic yard of material per running foot is placed onto state shoreland and the project is otherwise within the scope of the U.S. Army Corps of Engineers nationwide permit on bank stabilization.

## MISCELLANEOUS USES OF STATE LAND:

**An event or assembly of 50 people or less**, including events sponsored by non-profit organizations or a commercial event.

Entry for **commercial recreation** purposes **on a day-use basis** with no overnight camps or unoccupied facilities that remain overnight, as long as the use has been registered as required by 11 AAC 96.018.

**Recreational or other use** not listed above may occur on state land as long as that use

- \* is not a commercial recreational camp or facility, (whether occupied or unoccupied) that remains overnight;
- \* does not involve explosives or explosive devices (except firearms);

- \* is not prospecting or mining using hydraulic equipment methods (i.e. the use of pumped or flowing water to remove overburden or move gravels);
- \* does not include drilling in excess of 300 feet deep (including exploratory drilling or stratigraphic test wells on state land not under oil or gas lease);
- \* is not for geophysical exploration for minerals subject to lease or an oil and gas exploration license or for seismic surveys involving the use of explosives;
- \* does not cause or contribute to significant disturbance of vegetation, drainage, or soil stability;
- \* does not interfere with public access or other public uses or interests; and
- \* does not continue for more than 14 consecutive days at any site. Moving the use to another site at least two miles away starts a new 14-day period.
- \* does not include exploration for coal (a notice of intent to conduct exploration for coal must be filed with the DNR)

## Check for special conditions and exceptions!

All activities on state land must be conducted in a responsible manner that will minimize or prevent disturbance to land and water resources, and must comply with all applicable federal, state, and local laws and regulations. **By acting under the authority of this list, the user agrees to the conditions set out in 11 AAC 96.025** (a copy of these conditions are attached to this fact sheet). A person who violates these conditions is subject to any action available to the department for enforcement and remedies, including civil action for forcible entry and detainer, ejectment, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The department may seek damages available under a civil action, including restoration damages, compensatory damages, and treble damages under AS 09.45.730 or AS 09.45.735 for violations involving injuring or removing trees or shrubs, gathering technical data, or taking mineral resources. (11 AAC 96.145)

Remember that this list does not apply to state parks, University of Alaska lands, or Alaska Mental Health Trust lands. In addition, some other areas managed by the Division of Mining, Land and Water are not subject to the full list of generally allowed uses. Exceptions may occur because of special conditions in a state land use plan or management plan for example, a management plan may reduce the number of days that people can camp at a specific site), or by a –special use land designation (for instance, a special use land designation for the North Slope requires a permit for off-road vehicle use). Special Use Areas are listed in 11 AAC 96.014; more information is available on the department’s website at <http://dnr.alaska.gov/mlw/sua/>. GAU’s have also been modified for the Knik River Public Use Area.

Also, be aware that this list does not exempt users from the permit requirements of other state, federal, or local agencies. For example, the ADF&G - Habitat may require a permit for a stream crossing or if the use will take place in a state game refuge.

Finally, this list does not authorize a use if another person has already acquired an exclusive property right for that use. For instance, it does not give people permission to graze livestock on someone else’s state grazing lease, to build a trail on a private right-of-way that the Division of Mining, Land and Water has granted to another person, or to pan for gold on somebody else’s state mining location.

Department staff can help users determine the land status of state-owned land and whether it is subject to any special exceptions or to private property rights.

### For additional information, contact the Department of Natural Resources:

PUBLIC INFORMATION CENTER 550 W. 7 <sup>th</sup> Avenue, Suite 1260 Anchorage, AK 99501-3557 (907) 269-8400 TDD: (907) 269-8411	DIVISION OF MINING, LAND & WATER PUBLIC INFORMATION OFFICE 400 Willoughby Ave., Suite 400 P.O. Box 111020 Juneau, AK 99801-1021 (907) 465-3400 TDD: (907) 465-3888	PUBLIC INFORMATION CENTER 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2705 TDD: (907) 451-2770
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**CONDITIONS FOR GENERALLY ALLOWED USES**  
**(11 AAC 96.025<sup>2</sup>)**

A generally allowed use listed in 11 AAC 96.020 is subject to the following conditions:

- (1) activities employing wheeled or tracked vehicles must be conducted in a manner that minimizes surface damage;
- (2) vehicles must use existing roads and trails whenever possible;
- (3) activities must be conducted in a manner that minimizes
  - (A) disturbance of vegetation, soil stability, or drainage systems;
  - (B) changing the character of, polluting, or introducing silt and sediment into streams, lakes, ponds, water holes, seeps, and marshes; and
  - (C) disturbance of fish and wildlife resources;
- (4) cuts, fills, and other activities causing a disturbance listed in (3)(A)–(C) must be repaired immediately, and corrective action must be undertaken as may be required by the department;
- (5) trails and campsites must be kept clean; garbage and foreign debris must be removed; combustibles may be burned on site unless the department has closed the area to fires during the fire season;
- (6) survey monuments, witness corners, reference monuments, mining location posts, homestead entry corner posts, and bearing trees must be protected against destruction, obliteration, and damage; any damaged or obliterated markers must be reestablished as required by the department under AS 34.65.020 and AS 34.65.040;
- (7) every reasonable effort must be made to prevent, control, and suppress any fire in the operating area; uncontrolled fires must be immediately reported;
- (8) holes, pits, and excavations must be repaired as soon as possible; holes, pits, and excavations necessary to verify discovery on prospecting sites, mining claims, or mining leasehold locations may be left open but must be maintained in a manner that protects public safety;
- (9) on lands subject to a mineral or land estate property interest, entry by a person other than the holder of a property interest, or the holder's authorized representative, must be made in a manner that prevents unnecessary or unreasonable interference with the rights of the holder of the property interest.

**List of Special Use Land Designations Excluded from Generally Allowed Uses**

- Alyeska Ski Resort
- Baranof Lake Trail
- Caribou Hills
- Exit Glacier Road
- Glacier/Winner Creek
- Hatcher Pass Special Use Area
- Haines State Forest
- Indian Cove
- Kamishak Special Use Area
- Kenai Fjords Coastline
- Kenai River Special Management Area Proposed Additions
- Lake Clark Coastline
- Lower Goodnews River
- Lower Talarik Creek
- Marmot Island Special Use Area
- Nenana River Gorge and McKinley Village Subd.
- North Slope Area
- Northern Southeast Area, Tidelands
- Nushagak
- Poker Flat North
- Poker Flat South
- Resurrection Bay
- Tangle Lakes Archaeological District
- Thompson Pass
- Togiak National Wildlife Refuge
- Knik River Special Use Area

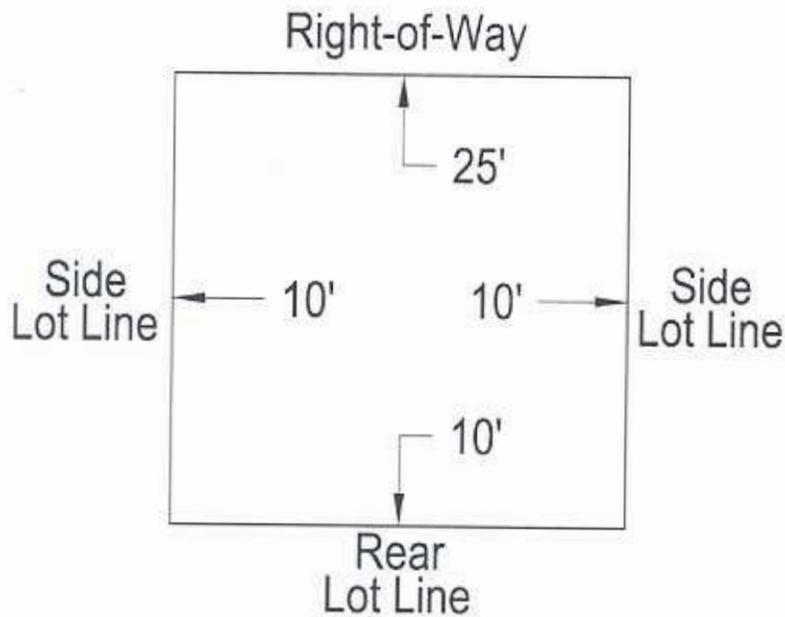
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<sup>2</sup>Register 164, January 2003

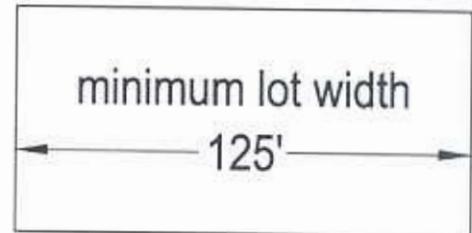
**Appendix F: Set-Back Diagram**

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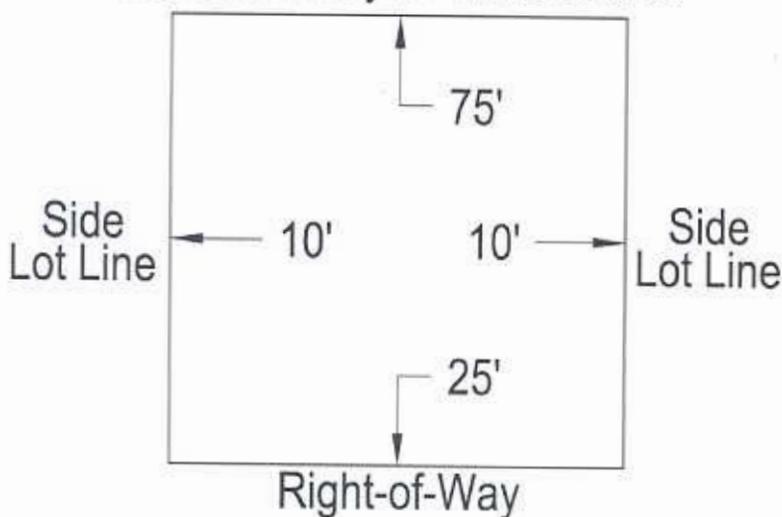
# General Setback Requirements and Lot Size\* Requirements



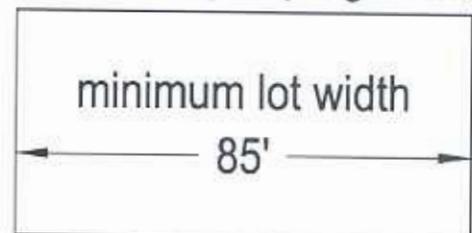
Ordinary High Water Line of Lake (no community septage)



Ordinary High Water Line of Water Body or Watercourse



Ordinary High Water Line of Lake (community septage available)

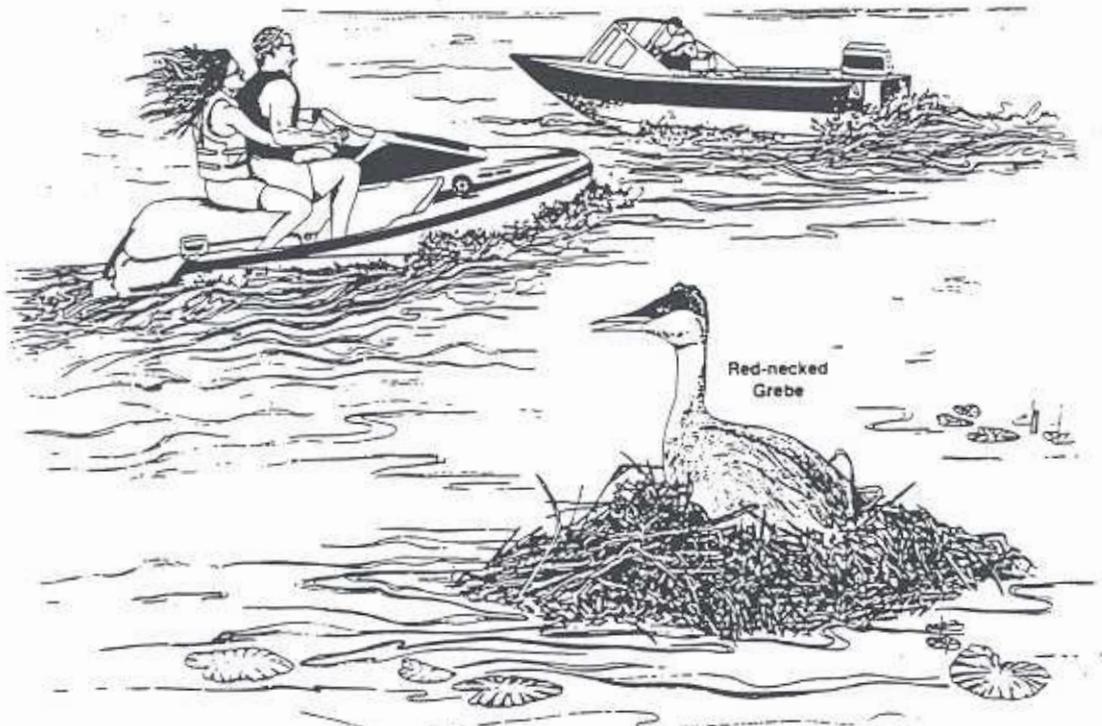


\*All lots must be a minimum of 40,000 sq. ft.

**Appendix G: Steer Clear! Loon Alert!**

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# STEER CLEAR!



**BOATERS – Stay at least 100 feet away from nesting Red-necked Grebes.**

Grebes are duck-sized birds that nest on floating vegetation and debris in shallow water.

Wakes from watercraft will destroy their nests and kill their eggs and chicks.

Go slowly along shorelines and avoid nesting areas.

**– HELP PROTECT ALASKA'S WILDLIFE –**

Wildlife harassment is illegal. Report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377.

This sign was produced by a grant to the Alaska Watchable Wildlife Trust Fund, c/o Alaska Conservation Foundation, 430 W. 7th Avenue #215, Anchorage AK 99501 (907) 276-1917.

POSTED BY ALASKA DEPT. FISH AND GAME



# LOON ALERT



**Help keep this lake safe  
for loons and other wildlife:**

1. Watch loons from a distance.
2. Pick up fishing line and other litter that may entangle loons.
3. Keep your dog on a leash.

Breeding loons have declined or disappeared from other U.S. states due to human disturbance and habitat loss. Wildlife harassment is illegal. Please report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377.

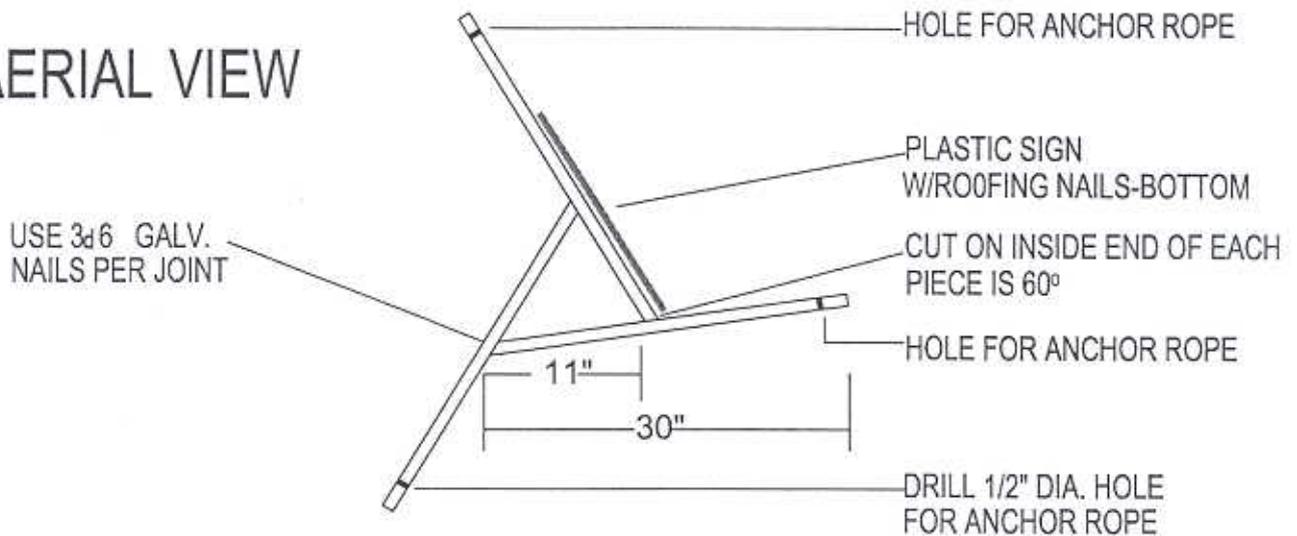
For loon information write: Alaska Department of Fish and Game, Division of Wildlife Conservation, 333 Raspberry Road, Anchorage, AK 99518.



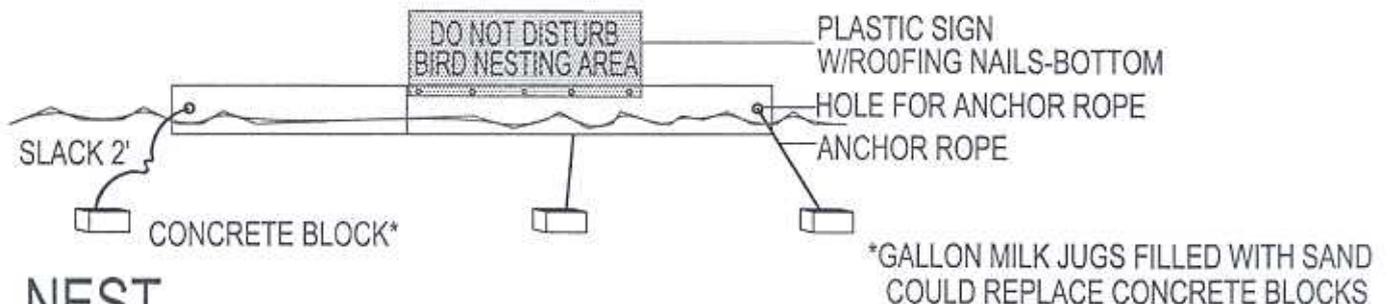
# SIGN FLOAT FOR LOON NESTS

(NOT LIKELY TO TURN OVER  
IN THE STRONGEST WIND)

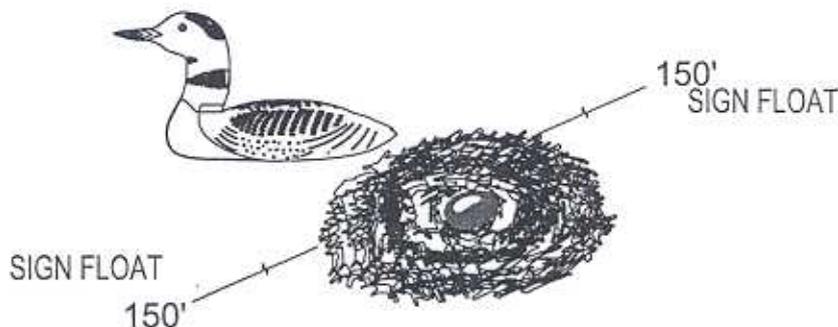
## AERIAL VIEW



## VIEW FROM WATER



## NEST



### MATERIALS LIST

3 - 1"x 4"x 30"  
WHITE PINE OR  
NO. WHITE CEDAR

9 - 6d. GALV BOX NAILS

5 - 1" ROOFING GALV. NAILS

1 - LOON SIGN

2 - 3 CONCRETE BLOCK \*  
FOR ANCHORS

ENOUGH 1/4" NYLON ROPE  
TO REACH BOTTOM OF LAKE  
FOR ANCHOR

DESIGNED BY:  
HERB CALLEY, PO BOX 348 TUPELO POINT, BOWLAKE, NORTHWOOD, N.H. 03261

ENHANCED BY:  
MATANUSKA-SUSITNA BOROUGH SUPPORT SERVICE 1995

The platforms should be attached with two anchors a minimum of 150 feet from the nest (more, if needed to avoid disturbing the loons) and be clearly visible, yet not be a boating hazard. Signs should be removed after nesting is completed (usually by mid-July) each year to preserve their use. Signs should be stored over the winter in a dry area.

**Appendix H: Voluntary Best Management Practices**

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## HOW CAN YOU HELP PROTECT WATER QUALITY?

### Voluntary Best Management Practices For Development around Waterbodies

Best Management Practice	Rationale
<p>Maintain the natural shoreline or riparian habitat.</p> <ul style="list-style-type: none"> <li>• Preserve a minimum 75 foot wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank.</li> <li>• Along remaining 50% of shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.</li> </ul>	<p>Protects water quality by reducing nutrient loading in lakes and minimizing temperature changes to stream environments.</p> <p>Provides flood control and reduces erosion and sedimentation.</p> <p>Protects fish and wildlife habitat by providing cover, nest sites and spawning areas.</p>
<p>Minimize impervious surfaces on shoreline lots.</p> <ul style="list-style-type: none"> <li>• Limit to maximum of 25% of lot area.</li> <li>• Minimize as much as possible within 75 feet of the water's edge.</li> </ul>	<p>Impervious surfaces such as pavement, roof tops, and compacted soil allow runoff to enter waterbodies more readily.</p> <p>Runoff in residential or commercial areas may contain phosphorus and other nutrients that lead to oxygen deficits and algal blooms.</p>
<p>Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.</p>	<p>Sand or fill reduces water clarity, is harmful to aquatic life and may contain phosphorus that enriches waterbodies.</p>
<p>Adhere to the state of Alaska's 100 foot waterbody separation for septic systems and outhouses, and keep septic systems in good working order.</p>	<p>Bacterial contamination from poorly maintained or leaking septic systems or outhouses is a human health concern.</p> <p>Nutrients from poorly functioning septic systems or outhouses are waterbody pollutants.</p>
<p>Use landscaping practices that will reduce degradation of waterbodies, including:</p> <ul style="list-style-type: none"> <li>• Test soils to see if fertilizers are needed and use sparingly.</li> <li>• Design a smaller lawn to reduce fertilizer use.</li> <li>• Use native species that grow well without fertilizer.</li> <li>• Avoid fertilizer use completely within 50 feet of the water's edge.</li> </ul>	<p>Lawns are often over-fertilized, which leads to harmful levels of nutrients in the water.</p> <p>Lawns are not as effective as natural vegetation for pollution filtration.</p> <p>Lawns do not provide protective cover for fish and wildlife populations that are part of the waterbody system.</p>
<p>Maintain at least a 75 foot distance from the water's edge for:</p> <ul style="list-style-type: none"> <li>• Additional permanent or accessory buildings.</li> <li>• Driveways, roads and other impervious surfaces.</li> <li>• Livestock or dog quarters or yards.</li> <li>• Manure or compost piles.</li> <li>• Long-term vehicle or equipment storage.</li> </ul> <p>Exceptions may include boathouses, floatplane hangers, marinas, piers and docks that need to be closer than 75 feet to serve their purposes.</p>	<p>Protects human health and water quality by reducing contamination from animal waste, compost, fuels, sediment and other substances that pollute waterbodies.</p>

Mat-Su Borough Ordinance 05-023 established voluntary measures that property owners can use to protect the quality of our lakes, streams and wetlands. For more information, contact the Matanuska-Susitna Borough, Department of Planning and Land Use at 745-9851.