



CHAPTER 5: IMPLEMENTATION

This chapter provides information for the public, land owners, developers, and state and federal permitting agencies about the methods and authorities to be used to implement the Anchorage Wetlands Management Plan.

Various mechanisms and authorities can be used to implement a wetlands management plan, including land and water resources use plans, municipal ordinances and resolutions (including zoning and subdivision ordinances and building codes); capital improvement programs; the purchase, sale, lease or exchange of land and water resources; cooperative agreements; memoranda of understanding; state and federal statutes and regulations; and coordinated project or permit review procedures.

I. PLAN IMPLEMENTATION RESPONSIBILITY

Fulfillment of wetlands program objectives and local implementation/enforcement of coastal management policies is the responsibility of the Municipality of Anchorage's Community Development Department. Implementation of the Municipality of Anchorage's Wetlands Management Plan is carried out by the Long-Range Planning Division of the Community Development Department. The Wetlands Coordinator can be reached at the following address:

Wetlands Coordinator
Long-Range Planning Section, Planning Division
Community Development Department
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650
Phone: 343-7921
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The Wetlands Coordinator performs several key functions to ensure that communication, information transfer, and project reviews are handled properly. The Wetlands Coordinator will function under the direction of the Community Development Department Director in representing local interests in coastal and wetlands affairs. The Wetlands Coordinator will:

1. Act as a point of contact for information on the wetlands management program;
2. Provide staff support and guidance for development activities, and convey comments to state and federal permitting agencies, the Planning and Zoning Commission, Anchorage Assembly, and municipal departments as needed;
3. Circulate informational and/or project review materials among municipal staff, as appropriate;
4. Provide guidance in the application of program policies to municipal staff during local reviews;
5. Decide which projects are routine, and which projects have great significance to wetlands, watercourses and/or waterbodies and should be reviewed and discussed with other departments and Commissions; routine approvals would be processed by the Wetlands Coordinator;

6. Determine if the information received from a state or federal permitting agency is adequate to provide comments; if not, the coordinator would submit a timely request for more information;
7. Evaluate the proposed project to identify potential impacts and appropriate conditions or project modifications based on the wetlands management plan policies;
8. Prepare and submit to the state or federal permitting agency the department's recommendation in a timely manner, and participate in any subsequent discussions and elevations, as appropriate;
9. Manage the Municipality's Five General Permits for Wetland Fills under the auspices of the Corps of Engineers; and
10. Provide coordination between federal and state agencies with municipal departments to resolve violations and permit non-compliance when appropriate.

II. LOCAL IMPLEMENTATION

A. Institutional Responsibilities

Municipal implementation of the Anchorage Wetlands Management Plan shall take place through the Management Strategies and Enforceable Policies identified throughout Chapter 4; the implementation direction provided in this chapter; and, where not in conflict with this plan, the implementation provisions of any future plan associated with the Anchorage Coastal Management Program, should that program be re-instated. Future municipal district or comprehensive plan revisions may recommend policy or wetland designations relevant to this plan.

For wetland development activities, that require local approvals and may not require state and federal permits, the Municipality of Anchorage will use its authority under Alaska State Statutes, Title 29 to implement and enforce this program at the local level. The Municipality of Anchorage intends to continue to implement the Anchorage Wetlands Management Plan at the local level as follows:

- Prior to issuing a conditional permit, variance, plat approval, or General Permit, projects will be subject to a local consistency review that evaluates a proposed project against the enforceable policies within the Anchorage Wetlands Management Plan.
- The latest comprehensive plans will be reviewed and revised, as appropriate, to be compatible with the wetlands management program.
- Zoning and/or subdivision ordinances will be revised as necessary, to incorporate enforceable policies and other measures outlined in the plan.

The original Anchorage Wetlands Management Plan adopting ordinance (Administrative Order #82-33S) both incorporated the plan into municipal code and affected additional changes to various other municipal ordinances as appropriate. The ordinance presented to the Assembly for the updated AWMP final adoption contains appropriate changes to the municipal code in order to incorporate new policies and maintain consistency between the AWMP and revised Anchorage Municipal Code, Title 21. **Table 5** outlines municipal department responsibilities related to implementation of the Anchorage Wetlands Management Plan.

Table 5
INSTITUTIONAL RESPONSIBILITIES
ANCHORAGE WETLANDS MANAGEMENT PLAN IMPLEMENTATION

Implementation Action:	Primary Responsibility	Secondary Responsibility
<u>Programming</u> Land Use Marginal Lands	Community Development Department	Long-Range Planning Section
<u>Phasing Strategies</u> Phasing Strategies Access to Facilities	Community Development Department	Long-Range Planning, Current Planning Sections Anchorage Water & Wastewater Utility, CEA and other utility companies, Public Works Department
<u>Implementation</u> Traditional Zoning Innovative Zoning Conservation Subdivision Planned Unit Development Watershed District Zoning	Community Development Department	Long-Range Planning, Current Planning Sections Public Works Department/ Watershed Management Section
<u>Acquisition</u> Fee Simple Less than Fee Simple Land Trade/Land Banking	Real Estate Department	Heritage Land Bank
<u>Municipal Lands</u> Use Designation	Community Development Department	Long-Range Planning Section
<u>Institutional</u> Federal Local Water Quality Management Subdivision Regulation Site Plan Review Criteria General Permits	U.S. Army Corps of Engineers Community Development Department	Watershed Management Section Private Development Section Current Planning Section Long-Range Planning Section

The current Anchorage Wetlands Management Plan 2012 update has been built around existing ordinances, programs, and other land use plans, all of which are administered by the Municipality of Anchorage.

- **Community Development Department**
Implementation of the Anchorage Wetlands Management Plan shall be the responsibility of the Municipality of Anchorage's Community Development Department. Most management strategies and enforceable policies deal with land use regulations which are administered by this Department. The Department shall be responsible for various reviews conducted, the General Permits and other permits issued under local, state, and federal environmental and land use decision-making processes. The Department shall be responsible for development of additional techniques necessary to implement the Anchorage Wetlands Management Plan. The Department shall also be responsible for plan maintenance and future revisions.
- **Real Estate Services Department-Heritage Land Bank and the Parks and Recreation Department**
These Departments shall be responsible for those activities involving acquisition and future management of acquired wetlands. Guidance as to the areas to be acquired under fee simple or other methods shall occur through the development of the Municipality of Anchorage's capital improvement program, Heritage Land Bank work program, and/or with the guidance of federal agencies permitting actions. Recommendations and priorities of wetland sites for future acquisition will be dependent on funding and priorities will be forwarded by the Community Development Department through the Anchorage Bowl, Turnagain Arm and Chugiak-Eagle River comprehensive plans, and other means as appropriate. Management of wetlands acquisitions would be primarily under the direction of Heritage Land Bank, using a wetlands mitigation bank or preserving lands with Conservation Easements.
- **Public Works Department.** The Public Works Department is the lead municipal agency responsible for review of any and all drainage plans and water quality issues related to wetland permits, rezoning actions and plats, and subdivision reviews. The Project Management and Engineering Division which includes the Watershed Management Section (WMS) will be consulted regarding the location and classification of watercourses and water bodies within the Municipality. MOA-WMS will provide essential support in the review of General Permits and other Corps permits under public notice. The Project Management and Engineering Division will be a working partner with the Community Development Department in guiding projects within the parameters of the wetlands plan and applicable municipal codes and regulations.

Municipal departments may respond to and work with state and federal permit application requests for comments on their own accord, but generally comments will be coordinated by the Community Development Department and are included in final municipal response letters.

B. GENERAL PERMIT IMPLEMENTATION

The Corps of Engineers issues the five Anchorage Regional General Permits and allows the Municipality of Anchorage's Community Development Department to administer them. Every five years, the Corps of Engineers revises and renews the Anchorage Regional General Permits which were most recently reauthorized in April of 2010. Under direction by the Corps of Engineers, the General Permits allow the Municipality to issue an *opinion of compliance* or request the Corps' *verification* for activities within certain "C" wetlands. The General Permits are issued under five categories of development: residential, roads, commercial/institutional, industrial or wetland restoration/enhancement.

Once a project is designed, an applicant must first consult with the Municipality of Anchorage's Community Development Department and, or the Corps of Engineers to determine if the General Permit may be applied to the "C" wetland in the project area. Each project must meet the enforceable policies contained in Chapter 4 of the Anchorage Wetland Management Plan for each wetland unit and conditions outlined in the Corps of Engineers' General Permits. Appropriate drainage plans and other Best Management Practices, as necessary, shall be reviewed and approved by the Community Development Department in consultation with the Municipality's Watershed Management Section and other municipal departments as applicable. If the project is limited in wetland impacts and less than 16,500 square feet in size, the Municipality may issue an *opinion of compliance*. If the impacts involve greater than 16,500 square feet, the Municipality sends the application to the Corps of Engineers for issuance. The Municipality solicits resource agency input and determines if the project complies with the terms and conditions of the General Permits. The Corps of Engineers may impose additional special conditions as appropriate, and provides the information to the Municipality to complete processing. Compensatory mitigation is required in the form of an in-lieu-fee of mitigation, which is updated every year. Further information including the General Permit application, fees and Corps of Engineers guidelines and conditions may be obtained through the Municipality's wetlands coordinator, Community Development Department; or at the department's website under the Long-Range Planning Section:

<http://www.muni.org/Departments/OCPD/Planning/Physical/EnvPlanning/Pages/WetlandPermit.aspx>

III. APPEALS

A. MUNICIPAL-LEVEL APPEAL

An applicant for a local General Permit approval can appeal a municipal decision. The Corps of Engineers would review General Permit appeals and respond accordingly.

B. FEDERAL-LEVEL APPEAL

For Individual and Nationwide Permits, appeals to Corps of Engineers Permit decisions are processed directly through the Corps of Engineers office. The Municipality of Anchorage's Community Development Department, through the Wetlands Coordinator is available to assist with information relative to municipal procedure and policy.

IV. MONITORING AND ENFORCEMENT

The Municipality of Anchorage's Community Development Department continues to monitor and enforce General Permit conditions and other projects in wetlands, watercourses and water bodies. Potential wetland violations are reported to the Corps of Engineers for resolution. Municipal enforcement is implemented for municipal standards and regulations via the Municipality's Land Use Enforcement Section. The Municipality of Anchorage will notify the appropriate state or federal agency if it observes an action that appears to violate a state- or federal-issued permit or statute. The Municipality will work with the state or federal agency involved to ensure compliance by the permittee and/or violator. In cases where only a municipal permit is issued, the appropriate departments will enforce permit conditions through its own municipal authorities.

V. PROGRAM AMENDMENTS

Any changes to adopted wetland designations or enforceable management strategies require Anchorage Assembly approval and shall be based on results of applying the Anchorage Wetland Assessment Methodology, and presenting any new site information. Final designation changes or management strategy changes shall be made only after necessary approvals by the Corps of Engineers and Environmental Protection Agency. Proposed development in any newly identified wetland is subject to conditions attached to any Corps of Engineers Section 404 Individual or Nationwide Permit.

The following is an outline of the process that must be followed to amend a wetland designation. Designation change requests can be submitted to the Municipality of Anchorage's Community Development Department at any time, but must include the following data to justify a change request:

1. A map of the wetland site indicating existing wetland boundaries and designation;
2. A Jurisdictional Determination from the Corps of Engineers approving the new wetlands determination;
3. A completed *Anchorage Wetland Assessment Methodology* for the subject site;
4. Any and all new relevant data from the site, including soils, hydrology, plant community, fish and wildlife, and social function information; [redundant to #3]
5. A formal written request for the change and the reasons for the request.

Upon receiving a complete packet for each designation change request, the Municipality of Anchorage's Community Development Department will determine the validity of the request and the supporting data. If the information is complete and appropriate, the department can forward the request, with a staff recommendation, to the Assembly for Public Hearing. If the Assembly approves the request, the Municipality would then submit the formal amendment and back-up data to the Corps of Engineers for review and approval. Because of the time and expense involved with processing amendments, the process may be deferred until the next Wetlands Management Plan update is due, at which time the site can be evaluated and recommended for a designation change. Amending the plan to change a designation is not necessary before applying for a permit from the Corps of Engineers. It may be in the best interest of the project to work with the Municipality and the Corps of Engineers on the best means to permit a project rather than seeking a designation change.

Wetlands not previously designated as "C" when the General Permits are issued can only be added after a public review by the Corps of Engineers. A public notice would be issued to solicit comments from resource agencies and the public. Once the site is verified by the Corps of Engineers that its inclusion would have no more than minimal impacts when considered individually or cumulatively, that site may use the General Permit for development.

Although this updated Plan incorporates many previously undesignated wetlands which were missed in the original plan, it is likely that there remain wetlands which are still unidentified. Land owners and contractors should be conscious of this fact and be alert to the possibility that areas may be technically wetland, but not included in this plan. Planning Department staff, the Corps of Engineers, or qualified wetland delineation consultants can provide wetland delineations of these areas. **Any previously unmapped, undesignated wetland is not eligible for the General Permit. Permitting may occur under Individual or Nationwide Section 404 permits through the Corps of Engineers.** Wetlands not previously designated, but determined to be of a lower value, could be included under the General Permit only after undergoing the previously outlined public notice and review procedure.

VI. WETLANDS PLAN REVIEW PROCESS

The original adopting ordinance for the 1982 Wetlands Plan required that the plan be reviewed and revised in ten years. With potential changes in federal wetlands legislation, and the 5-year renewal timeframe for authorization of the General Permits, the Municipality shall revisit this plan every 10 years from the last adoption date. At that time, the following information shall be evaluated:

1. The effectiveness of the individual management strategies in protecting and facilitating development;
2. The consistency of the plan with both federal and state coastal management/wetlands law and management programs;
3. The effectiveness of enforcement actions and Best Management Practices in newly filled wetlands.

If significant discrepancies are revealed during this review, the plan should be revised accordingly. If the review reveals mixed results or indicates that the plan is continuing to be effective, a minor update could be done otherwise a full revision could be deferred another five years. The Municipality of Anchorage's Community Development Department shall be responsible for the evaluation effort.

Once a plan revision receives final Assembly adoption, the adopting ordinance will include additional sections, as necessary, to amend Anchorage Municipal Code, Title 21 to include the plan's adoption date.

