

Municipality of Anchorage
Planning Department
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The Anchorage Audubon Society wishes to submit the following comments on Public Review Draft #2 of Title 21. The Anchorage Audubon Society promotes conservation of wildlife and their habitats and enjoyment of wildlife by the public. We do not oppose development, only development that proceeds without reasonable accommodation of other values. The author is a professional wildlife biologist with over 20 years' experience in Anchorage.

Our comments focus on the continued refusal of the municipal Planning Department to include standards that would enable some protection of wildlife populations within the Anchorage Bowl. That entire section in Module 3 ("Wildlife Habitat Protection," 21.07.020 E) was deleted in Public Review Draft #1 and has not been replaced. The short section in Draft #2 on "Wildlife Conflict Prevention Areas" (section 21.07.020 D) is not adequate.

Explanations given to us by the Planning Department for deleting the section on Wildlife Habitat Protection have varied over time: 1. That the designation of "critical" or "core" habitat would have relied on old maps and was therefore too vague; property owners need up-to-date information;
2. That huge areas of Anchorage are wildlife habitat, therefore its protection would be too great a burden on developers;
3. That the requirements in that section would have constituted an unacceptable "taking" of property;
4. That, in any case, 90% of all critical wildlife habitat in Anchorage is already protected in parks.

None of these explanations stands up to reason. Our investigations have yielded the following:

1. Maps of important wildlife habitats ("Sensitivity Maps") were created by the Planning Department in 2005. Thus some up-to-date information does exist within your department itself. However, Draft #2 now requests protection *only* for "critical habitats" of bears; no other species are mentioned. This is not acceptable (see our comments 2 and 4 below). The critical habitat data could easily be improved.

2. We agree that, except for bears, the Sensitivity Maps do not adequately identify core wildlife habitats. (For instance, it appears that all woodlands are designated as habitat for songbirds, but we do not propose that all woodlands should be preserved intact.)

The missing information on the most important habitats for wildlife species is available from experts at government agencies and non-governmental organizations. (These experts' names are known to planning personnel). For the present, Title 21 should say that

protection for *small critical habitats* of other species is recommended, as information for these species is added to the Sensitivity Maps. Similar language already exists in Draft #2 regarding water bodies that have not yet been mapped (21.07.020 B 5 a ii). This would be very different from the "huge areas" mentioned by Planning.

3. The original section on "Wildlife Habitat Protection" *does not* comprise a "taking"* of property or its value. That section did not require compliance with rigid standards, nor was there any penalty for noncompliance. Instead, it *made suggestions*: "All development subject to this section [those containing 'critical habitats'] shall, to the maximum extent feasible, incorporate the following principles..." That language does not constitute "taking." This interpretation has been confirmed by an Anchorage lawyer who has owned and developed property and represented small businesses here since 1969.

4. "Critical habitats" *are not 90% protected in parkland*—even if we consider only the critical habitats specified for bears. Within the Anchorage Bowl, the Sensitivity Maps show "critical habitat" in three river corridors—Campbell Creek, Rabbit Creek, and Little Rabbit Creek. But only the first of these is protected in parkland, plus some discontinuous fragments of Rabbit Creek and none of Little Rabbit Creek.

Some "critical habitats" for other species—not yet defined—probably are protected in our large city parks and Chugach State Park. But glaring *omissions* include:

- Important movement corridors for moose, lynx, and bears between Chugach State Park and the Anchorage Coastal Wildlife Refuge. The whole area south of Little Rabbit Creek will soon be developed, but almost no parks exist there.
- Nesting areas and movement corridors for shorebirds in almost all parts of the city are unprotected.
- There are no habitat maps or proposed "Wildlife Conflict Prevention Areas" for moose, even though they are valued wildlife species and also are potentially dangerous.

Title 21 should *balance the needs* of all Anchorage' citizens regarding wildlife. Draft #2 contains incomplete recommendations for minimizing conflicts with wildlife, and there is no effort to keep wildlife in our city along with business development. Part of our city's attraction for tourists and residents alike is the chance to see birds, moose, and even the occasional bear or lynx. Research has shown that, if we do not protect some critical habitats, we will have fewer birds and no large mammals within a few decades.

The Municipality of Anchorage committed itself to protecting its wildlife and crucial habitats by the Assembly's adoption of two documents: Living with Wildlife in Anchorage (2000) and the Anchorage Bowl Comprehensive Plan (2001). Title 21 needs to reflect these plans for the benefit of all citizens.

Thank you.

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