

Fish Protection Laws in Alaska

ADF&G Statutory Authority

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Discussion Objectives

- Provide an overview of ADF&G Statutory Authority for fish and wildlife habitat protection
- Identify jurisdictional boundaries of our statutes
- Practical application of ADF&G Authority – Fish Habitat Permits



Permits & Authorizations

Relevant to hydraulic projects in Alaska

Permit/Authorization	Regulatory Agency
Fish Habitat Permit	Alaska Department of Fish & Game
Special Area Permit	Alaska Department of Fish & Game
Fish Resource Permit	Alaska Department of Fish & Game
Section 10 / Section 404 Permit	US Army Corps of Engineers
Water Rights/Water Use Permit	Alaska Department of Natural Resources
Material Sale Permit	Alaska Department of Natural Resources
Flood Hazard/ other local permits	Borough/Municipality of project location
SWPPP review/approval	Alaska Dept. of Environmental Conservation (or muni/borough)
Right of Way/ Land Use Permit	Land manager for project area

ADF&G's Role in Resource Development

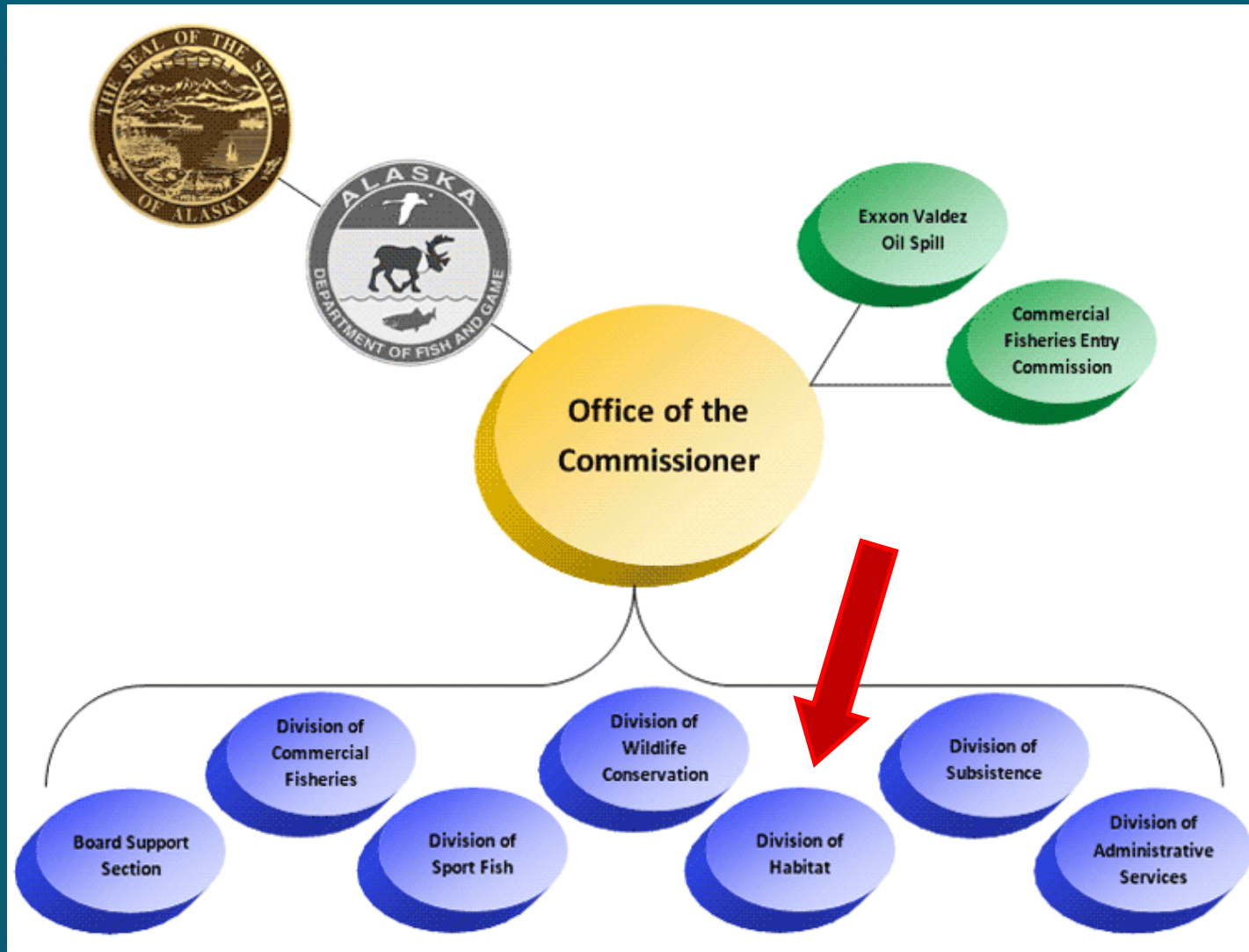


Solomon Gulch Hydro

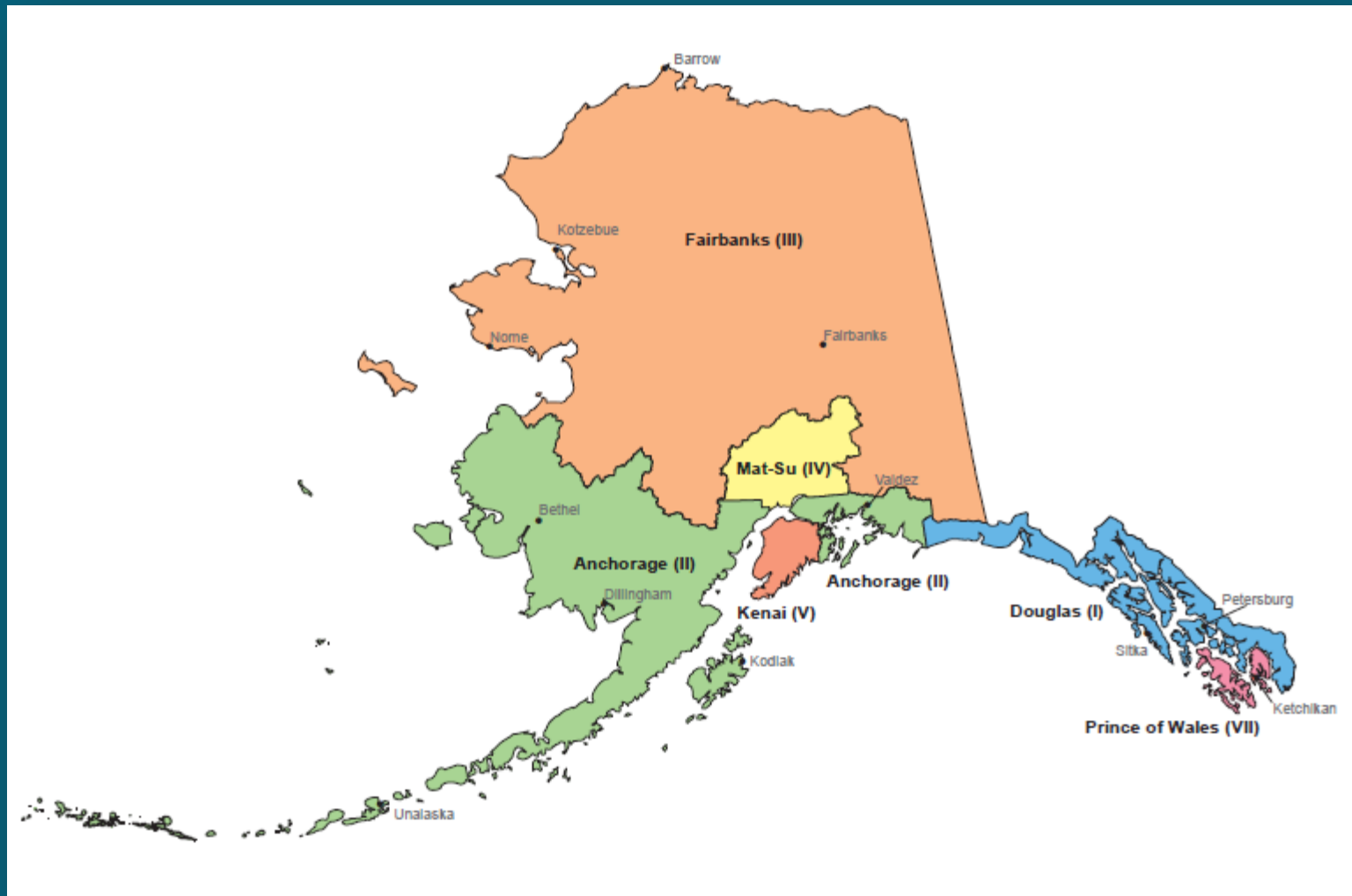


Protect Alaska's valuable fish and wildlife resources and their habitats as Alaska's population and economy continue to expand.

ADF&G Habitat Division

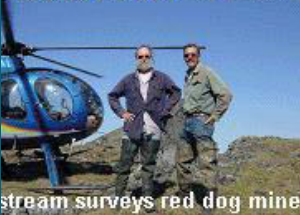


ADF&G Habitat Offices



Workload Priorities:

- Title 16 Fish Habitat and Special Area permitting, including updating the Anadromous Waters Catalogue
- Large projects of importance to the State
- Forest Resources and Practices Act
- Special Area Planning



ADF&G Statutory Authority

- THE FISHWAY ACT
- ANADROMOUS FISH ACT
- SPECIAL AREA PERMITTING

- FISH RESOURCE PERMIT S



Fishway Act



The Fishway Act (AS 16.05.841) requires that any obstruction built across fish-bearing waters will provide for fish passage

3 options if fish passage is impractical:

- Pay a lump sum to the State fish and game fund
- Build, operate, and maintain a hatchery in perpetuity
- Pay to expand, maintain, and operate existing hatcheries

Fishway Act

Jurisdiction

- Applies to all fish bearing streams (resident and anadromous) and all fish species.
- Requires long-term commitment to operation & maintenance



Types of Projects Permitted under the Fishway Act

- Bridges and culverts
- Low water crossings
- Water withdrawals
- Stream diversions

Anadromous Fish Act



AS 16.05.871

- (a) ADF&G must specify those waters that are important for the spawning, rearing, or migration of anadromous fish (AWC)
- (b-c) notification and plans required before conducting work in a specified waterbody (permit application)
- (d) ADF&G will approve or deny the proposed work

Anadromous Fish Act

Jurisdiction

- Applies to any activity
- Applies to any life stage
- Applies to freshwater only



Application of .871

- Activity occurring below Ordinary High Water
- Waterbody must be in the Anadromous Waters Catalogue

Fish Habitat Permits

- Applicant submits plans to ADF&G
- Habitat Biologist reviews and consults area staff
- May be permitted as proposed or modified during review process
- Timeline for review is highly variable - dependent on complexity of project
- Emergency exemptions
 - AS 16.05.891
 - Verbal/email approval
 - Follow up with formal permit
- Typical Stipulations
 - Timing Windows
 - Diversion/Bypass Pumping
 - Sediment Control
 - Reveg/Stabilization
 - Fish Passage
 - Notification

Special Area Permits

- Special Area Permits required for most activities in State Game Refuges, Sanctuaries, and Critical Habitat Areas
- 5 AAC 95.700 - Special Area Permit Procedures

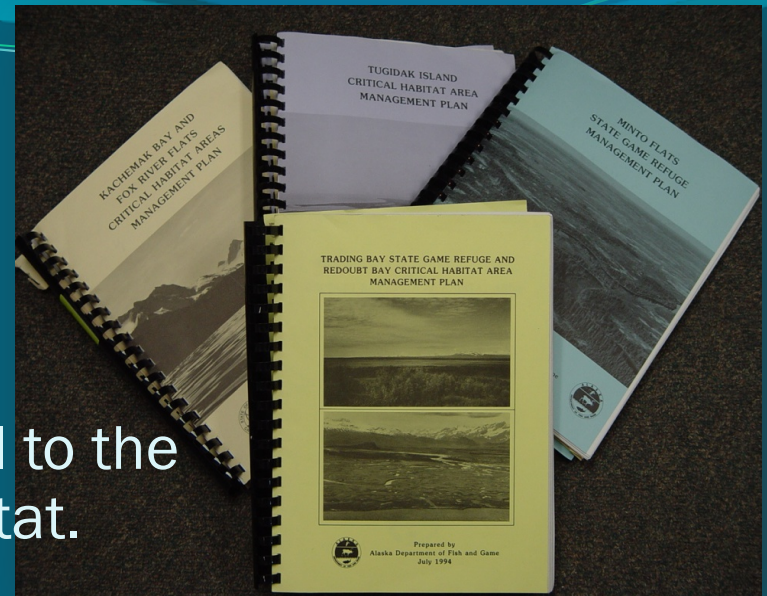


State Designated Special Areas



Special Areas

- Areas identified as being essential to the protection of fish and wildlife habitat.
- Habitat oversees land and water use activities; permitting process ensures activities are consistent with the purpose for which the area was created.
- Management plans in place for some special areas; the goals and policies of these plans are adopted as state regulation and provide additional area-specific direction for land and water use activities.



Working with the Partnership

- Seek opportunities to improve and protect habitat in cooperation with state and federal agencies, local governments, non-governmental organizations, and others.
- Connect landowners with Partnership resources
- Coordinate/permit restoration projects
- Provide technical assistance to landowners and other entities during project development
- Continue efforts to add waterbodies to the AWC
- Identify unpermitted work in fish bearing waterbodies and seek corrective actions

Questions?

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