

# Fish Habitat Protection in Alaska

## ADF&G Division of Habitat Statutory Authority

Long-term Challenges to Alaska's Salmon  
Populations Workshop  
November 1-3, 2016  
Anchorage, AK



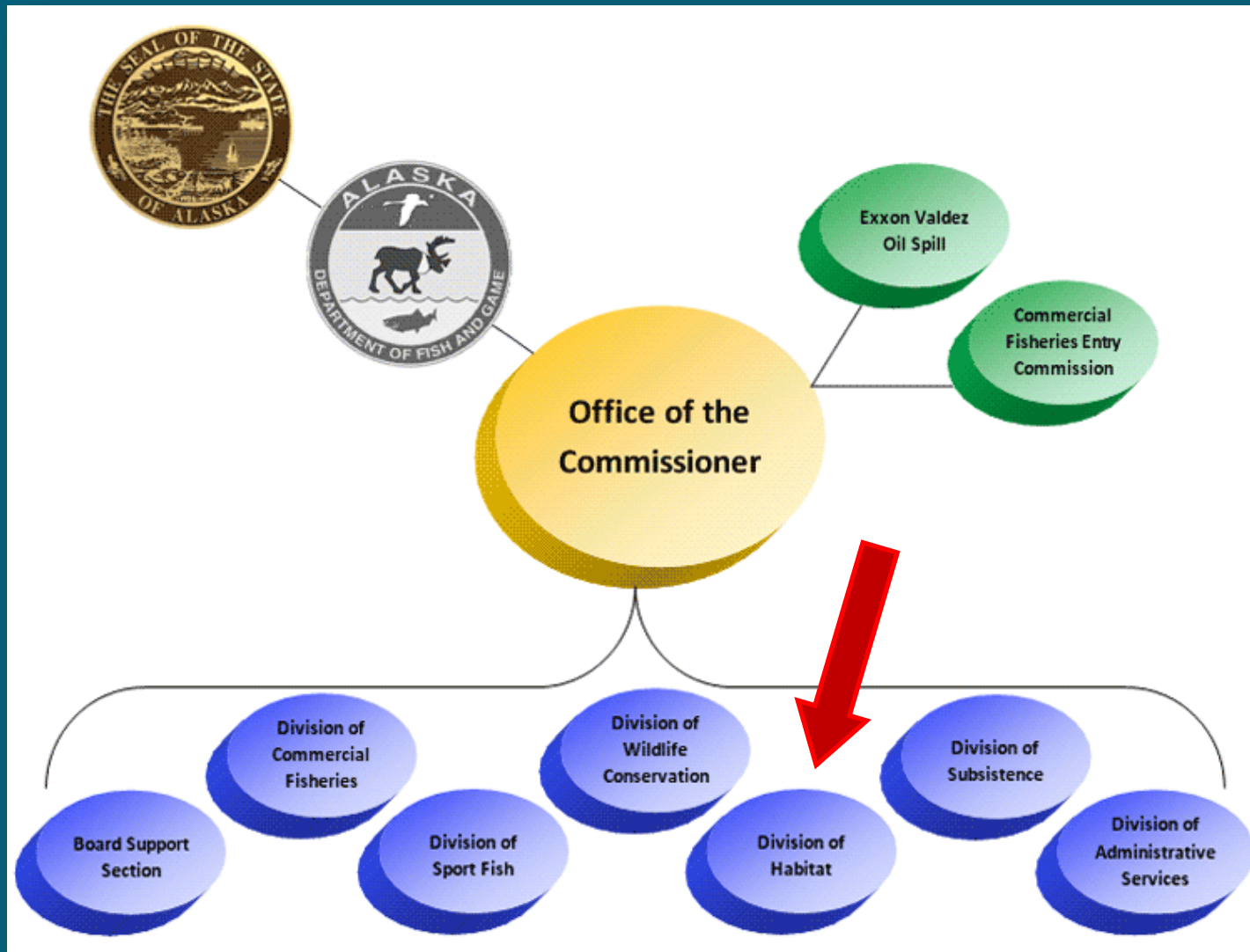
**Ron Benkert**  
Habitat Biologist  
ADF&G Division of Habitat  
Palmer Area Office

# Discussion Objectives

- Provide an overview of The Division of Habitats Statutory Authority for fish habitat protection
- Identify strengths and limitations of ADF&G Authority
- Practical application of ADF&G Authority – Fish Habitat Permits



# ADF&G Habitat Division





# Division of Habitat Statutory Authority

- THE FISHWAY ACT
  - AS 16.05.841
- ANADROMOUS FISH ACT
  - AS 16.05.871
- SPECIAL AREA PERMITTING
  - 5 AAC 95.700



# Fishway Act



AS 16.05.841 requires that any obstruction built across fish-bearing waters will provide for fish passage

# Fishway Act (.841)

## Strengths

- Applies to all fish bearing streams (resident and anadromous) and all fish species.
- Requires fish passage be maintained for the life of the structure.



## Limitations

- Applies to fish passage only



# Anadromous Fish Act



AS 16.05.871

- ADF&G must specify those waters that are important for the spawning, rearing, or migration of anadromous fish
- Any activity below the ordinary high water line of a catalogued waterbody may require a Fish Habitat Permit
- The applicant must submit full plans for the proposed work
- ADF&G will approve or deny the proposed work

# Anadromous Fish Act (.871)

## Strengths

- Applies to many activities
- Applies to any life stage



## Limitations

- Jurisdiction typically limited to below OHW
- Waterbody must be in AWC
- Freshwater only



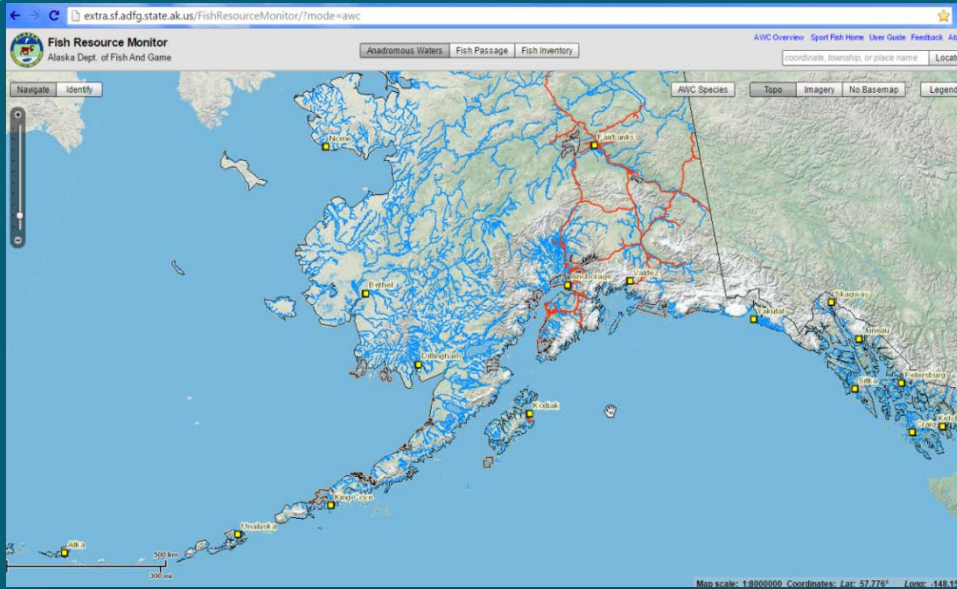
# Fish Habitat Permits

- Applicant submits application
- Habitat Biologist reviews and consults area staff
- May be permitted as proposed or modified during review process
- Emergency exemptions
  - AS 16.05.891

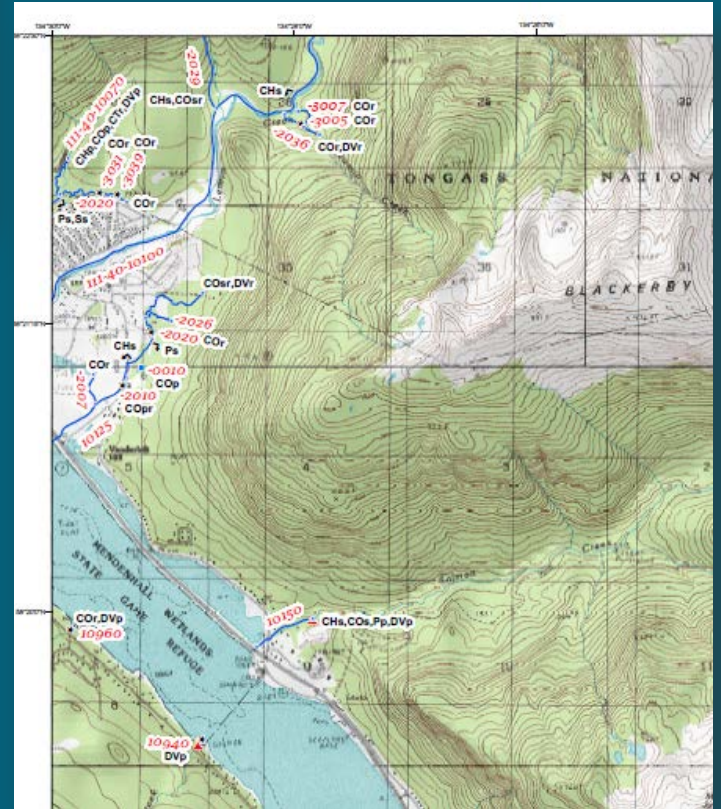
## ➤ Typical Stipulations

- Timing
- Reveg/Stabilization
- Fish Passage
- Notification

# AWC Data



- Fish Resource Monitor
- GIS Data
- Google Earth (KMZ) Downloads
- Atlas Map Downloads (PDF)
- Updated annually



# Special Areas

- Anchorage Coastal Wildlife Refuge
- Palmer Hay Flats State Game Refuge
- Kachemak Bay Critical Habitat Area
- McNeil River Sanctuary
- Matanuska Valley Moose Range





# Public Participation in Title 16 Permits

- Before the ACMP expired, DCOM coordinated public and local input and comments on all state permits for projects within the coastal zone.
- Currently there is no statutory requirement for public notice or comments for Title 16 authorizations.
- Discussions are occurring at ADF&G, ADNR, and the Governors office regarding this issue.

# Questions?

**Ron Benkert**

ADF&G Habitat

Palmer Area Office

(907) 861-3204

[ronald.benkert@alaska.gov](mailto:ronald.benkert@alaska.gov)