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

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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

Office of the Commissioner

- Division of Commercial Fisheries
- Division of Sport Fish
- Division of Wildlife Conservation
- Division of Habitat
- Division of Subsistence
- Division of Administrative Services
- Exxon Valdez Oil Spill
- Commercial Fisheries Entry Commission
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
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?

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