
FISH & WILDLIFE HABITAT & HARVEST AREAS

Goals

MAINTAIN PUBLICLY OWNED HABITAT BASE

Maintain in state ownership sufficient suitable land and water to provide for the habitat needs of important fish and wildlife resources.

ENSURE ACCESS TO PUBLIC LANDS & WATERS

Ensure access to public land and water to promote or enhance the responsible public use and enjoyment of fish and wildlife resources.

MITIGATE HABITAT LOSS

When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat.

CONTRIBUTE TO ECONOMIC DIVERSITY

Contribute to Alaska's economy by protecting the fish and wildlife resources that contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport, and non-consumptive uses.

Management Guidelines for Habitat Areas

A. MITIGATION

When issuing permits and leases or otherwise authorizing the use or development of state lands, the Departments of Natural Resources and Fish and Game will recognize the requirements of the activity or development and the benefits it may have to habitat when determining stipulations or measures needed to protect fish, wildlife, or their habitats. The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.

All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish, wildlife, or their habitats.

The departments will enforce stipulations and measures, and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease.

When determining appropriate stipulations and measures, the departments will apply, in order of priority, the following steps. Mitigation requirements listed in other guidelines in this plan will also follow these steps.

1. Avoid anticipated, significant adverse effects on fish, wildlife, or their habitats through siting, timing, or other management options.
2. When significant adverse effects cannot be avoided by design, siting, timing, or other management options, the adverse effect of the use or development will be minimized.

3. If significant loss of fish or wildlife habitat occurs, the loss will be rectified, to the extent feasible and prudent, by repairing, rehabilitating, or restoring the affected area to a useful state.

4. DNR will consider requiring replacement with or enhancement of fish and wildlife habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of habitat. ADF&G will clearly identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement with or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through the AS 38.05.035(e) or permit review process. Replacement may include structural solutions, such as creating spawning or rearing ponds for salmon, creating wetlands for waterfowl; or non-structural measures, such as research or management of the species affected, legislative or administrative allocation of lands to a long-term level of habitat protection that is sufficiently greater than that which they would otherwise receive, or fire management to increase habitat productivity.

B. ALLOWING USES IN CRUCIAL FISH AND WILDLIFE HABITATS

The crucial areas shown in the plan were defined using the best information available at the time the plan was written. When better information becomes available through additional studies, site inspections, or other means, that information should be used to correct the habitat information in the plan. The definition of crucial habitat areas is given in the glossary, Appendix A. This guideline does not apply to offshore prospecting.

1. Allowing Uses *Not Designated* in Chapter 3. Within crucial fish and wildlife habitat areas, uses that are not designated as primary or secondary uses in Chapter 3 and that result in habitat alteration through dredging, filling, significant compaction of vegetation and sediment, alteration of flow patterns, discharge of toxic substances, disturbance during sensitive periods, or which significantly decrease the value and productivity of the habitat area are incompatible with the primary uses and values in crucial fish or wildlife habitat areas (Ha). These uses are initially assumed to be nonconforming uses under section 6 AAC 80.130(d) of the ACMP habitat standards.

Uses not designated that cause an adverse impact to a crucial habitat type as described above may be allowed if ADF&G determines that the area does not contain the habitat type in question, if ADF&G determines through new information or more detailed analysis that the area is not crucial as defined in the plan, or if the use receives a positive conclusive consistency determination under the ACMP and impacts are mitigated in accordance with Guideline A.

2. Allowing Uses *Designated* in Chapter 3 . If, within crucial habitats, a use other than fish and wildlife habitat and harvest is given a primary or secondary designation or the area is open to mineral entry, the department policy is: (a) that with appropriate design, siting, and operating stipulations, the designated use can be made compatible and significant impacts to the habitat avoided, or (b) that the use is of sufficient importance or lacks a feasible alternative that it should be allowed within the habitat consistent with the state's mitigation and ACMP policies.

Mining in Crucial Habitats. Before DNR will approve permits or plans of operation for mining in crucial fish or wildlife habitat, the miner must provide information adequate for the agencies to determine that activities will not have a significant detrimental effect on the fish or wildlife resources of the area or the long-term productivity of the habitat, or that a reasonable expectation of the mineral values outweighs the long-term value of the crucial fish and wildlife habitats that are put in jeopardy. Activities may be restricted or prohibited when the species depending on the crucial habitat are present. (For performance bonds in crucial fish and wildlife habitats, see guideline E, page 2-52.)

C. ALLOWING USES OUTSIDE OF CRUCIAL FISH & WILDLIFE HABITAT AREAS

Outside of crucial fish or wildlife habitats, habitat-altering uses will be sited consistent with 6 AAC 80.130 (a-d), the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

D. HABITAT MANIPULATION

Habitat manipulation through water control, timber management practices, or other measures may be used to improve habitat for certain fish and wildlife species where ADF&G determines that it is beneficial to the species or habitat and DNR determines that it is compatible with other primary uses.

E. HATCHERY SOURCE WATERS

To preserve the quality of a hatchery's water supply, uses will not be located on state land where they would risk reducing water quality below that needed by the hatchery.

F. WATER INTAKE STRUCTURES

When issuing water rights for waters providing fish habitat, DNR will require installation of practical water intake structures that do not result in entrainment or impingement of fish. The simplest and most cost-effective technology may be used to implement this guideline.

Water intake structures should be screened, and intake velocities will be limited to prevent entrapment, entrainment, or injury to fish. The structures supporting intakes should be designed to prevent fish from being led into the intake. Other effective techniques may also be used to achieve the intent of this guideline. Screen size, water velocity, and intake design will be determined in consultation with ADF&G and are regulated by ADF&G (5 AAC 94.250).

G. ALTERATION OF THE RIVERINE HYDROLOGIC SYSTEM

To the extent feasible, channelization, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact on important riverine habitat will be avoided.

H. THREATENED & ENDANGERED SPECIES

All land use activities will be conducted consistent with state and federal Endangered Species Acts to avoid jeopardizing the continued existence of threatened or endangered species of animals or plants or their continued use of an area and to avoid modification or destruction of their habitat. Specific mitigation recommendations should be identified through interagency consultation for any land use activity that potentially affects threatened or endangered species. In Alaska, eight species are under the jurisdiction of the U.S. National Marine Fisheries Service, U.S. Fish and Wildlife Service, or Alaska Department of Fish and Game as threatened (T) or endangered (E) in accordance with the state and federal Endangered Species Acts, as amended. However, only two of the eight species, the arctic peregrine falcon and the humpback whale, are found within the Prince of Wales Island planning area.

	STATUS
Arctic peregrine falcon (<i>Falco peregrinus tundrius</i>)	T*
American peregrine falcon (<i>Falco peregrinus anatum</i>)	E
Aleutian Canada goose (<i>Branta canadensis leucopareia</i>)	E
Eskimo curlew (<i>Numenius borealis</i>)	E
Short-tailed albatross (<i>Diomedea alabaturus</i>)	E*
Humpback whale (<i>Megaptera novaeangliae</i>)	E*
Finback whale (<i>Balaenoptera physalus</i>)	E
Gray whale (<i>Eschrichtius robustus</i>)	E

* Found within the Prince of Wales Island planning area

The Fish and Wildlife Enhancement Office of the U.S. Fish and Wildlife Service or National Marine Fisheries Service should be consulted on questions that involve endangered species.

I. EAGLES

Activities that potentially affect bald and golden eagles will be consistent with the state and federal Endangered Species Acts and the Bald Eagle Protection Act of 1940 as amended. The following DNR standards are drawn from a cooperative agreement signed by the U.S. Forest Service and the U.S. Fish and Wildlife Service (USFWS). The USFWS may determine them to be inadequate in some circumstances. Also, meeting the guidelines does not absolve the party from the penalty provisions of the Bald Eagle Protection Act, therefore, the USFWS should be consulted when activities may affect bald or golden eagles.

1. Siting Facilities to Avoid Eagle Nests. Facilities determined by the U.S. Fish and Wildlife Service to cause significant disturbance to nesting eagles will not be allowed within 330 feet of any bald eagle nest site, whether the nest is currently active or not.

2. Activities Disturbing Nesting Eagles. Activities the U.S. Fish and Wildlife Service determines likely to cause significant disturbance to nesting eagles will be prohibited within 330 feet of active bald eagle nests between March 1 and August 31. Temporary activities and facilities that do not alter eagle nesting habitat or disturb nesting eagles, as determined by the USFWS, may be allowed at other times.

Permits for blasts of a magnitude documented to be disruptive to nesting eagles will, to the extent feasible and prudent, be prohibited within one-half mile of active eagle nests between March 15 and August 31.

J. SOIL EROSION

Soil erosion will be minimized by restricting the removal of vegetation adjacent to waterbodies and by stabilizing disturbed soil as soon as possible.

K. FISH & WILDLIFE ENHANCEMENT ON STATE LANDS

Fish and wildlife enhancement activities on state lands, whether by ADF&G or other parties, will be consistent with the management intent for those lands. Enhancement activities likely to attract significant public use, including sport fishing use, will be designed and located to minimize the impact of additional public use on the existing recreation resources, including anchorages, campsites, and existing and intended wilderness values.

L. GROUNDING OF FLOATING FACILITIES

Floating tideland facilities will not ground at any tide stage unless ADF&G determines there will be no significant impact to the habitat values, or the applicant demonstrates to the satisfaction of DNR that there is no feasible and prudent alternative and DNR determines it is in the state's best interest.

M. CUMULATIVE IMPACTS

ADF&G will periodically assess the cumulative effects of changes in the use and development of Prince of Wales Island on the various fish and wildlife species in the area, including the harvest and non-consumptive uses of the species. In doing so, ADF&G may solicit the advice of other appropriate fish and wildlife agencies. In the case of declining health or population of a species or significant changes to use patterns, ADF&G should advise DNR of the land and waters critical to the species and recommend permit and lease stipulations necessary for its protection.

Management Guidelines for Harvest Areas

N. ALLOWING USES WITHIN DESIGNATED HARVEST AREAS³

1. Allowing Uses *Not Designated* in Chapter 3. Non-designated uses are initially considered to be compatible in designated harvest areas if, through guidelines and stipulations, the non-designated uses can be made to have minimal adverse impact on the harvest activity for which the area was designated. A non-designated use is considered incompatible if guidelines and stipulations could not be expected to prevent a significant adverse impact on the designated harvest activity.

2. Allowing Uses *Designated* in Chapter 3. If, within areas designated for Important Community Harvest, Intensive Commercial Harvest, or Intensive Sportfishing, another use is given a primary or secondary designation, or the area is open to mineral entry, the department policy is: (a) that with appropriate design, siting, and operating stipulations, the designated use can be made compatible and significant impacts to the harvest use avoided, or (b) that the use is of sufficient importance or lacks a feasible alternative that it should be allowed within the harvest area consistent with the guidelines of the plan and ACMP policies.

³ In Vol. I, POWAP, intensive harvest areas are referenced on the maps in Chapter 3. In Vol. II, SWPOW, they are referenced in the text.

O. ALLOWING USES OUTSIDE OF MAPPED INTENSIVE OR IMPORTANT HARVEST AREAS

Outside of mapped intensive or important harvest areas, uses that would alter existing harvest activities will be sited consistent with 6 AAC 80.120 (a), the management guidelines in this chapter, and the management intent and guidelines in Chapter 3.

P. ACCESS ADJACENT TO IMPORTANT OR INTENSIVE HARVEST AREAS

Activities adjacent to intensively used commercial, sport, community, or subsistence harvest areas will not foreclose access during the harvest or use season. These harvest areas include:

- Purse Seine Hookoff Points
- Gill Net Areas
- Subsistence Harvest Areas
- Sportfish Areas
- Community Harvest Areas

Q. ACTIVITIES IN INTENSIVE PURSE SEINE & GILL NET AREAS

If there are feasible and prudent alternatives, tideland facilities will not be located where they would obstruct drift and seine use of the shoreline in intensive purse seine and gill net areas.

R. ACTIVITIES IN TRADITIONAL USE COMMERCIAL HERRING AREAS

Activities should be conditioned to minimize disruption of the harvest within traditional herring fishery areas including the sac roe and wild kelp harvest fishery areas.

S. ANCHORAGES

See Public and Private Access guideline C, page 2-33.

T. OTHER GUIDELINES AFFECTING FISH AND WILDLIFE HABITAT & HARVEST AREAS

Other guidelines will affect fish and wildlife habitat and harvest areas. See in particular the following sections of this chapter:

- Aquatic Farming
- Coordination and Public Notice
- Floating Residential Facilities
- Forestry
- Materials
- Public and Private Access
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines and Stream Corridors
- Subsurface Resources
- Transportation and Utilities

In addition, Alaska Coastal Management habitat standards 6 AAC 80.130(a-d) provide guidance for uses in coastal habitats.