

# Fish Protection Laws in Alaska

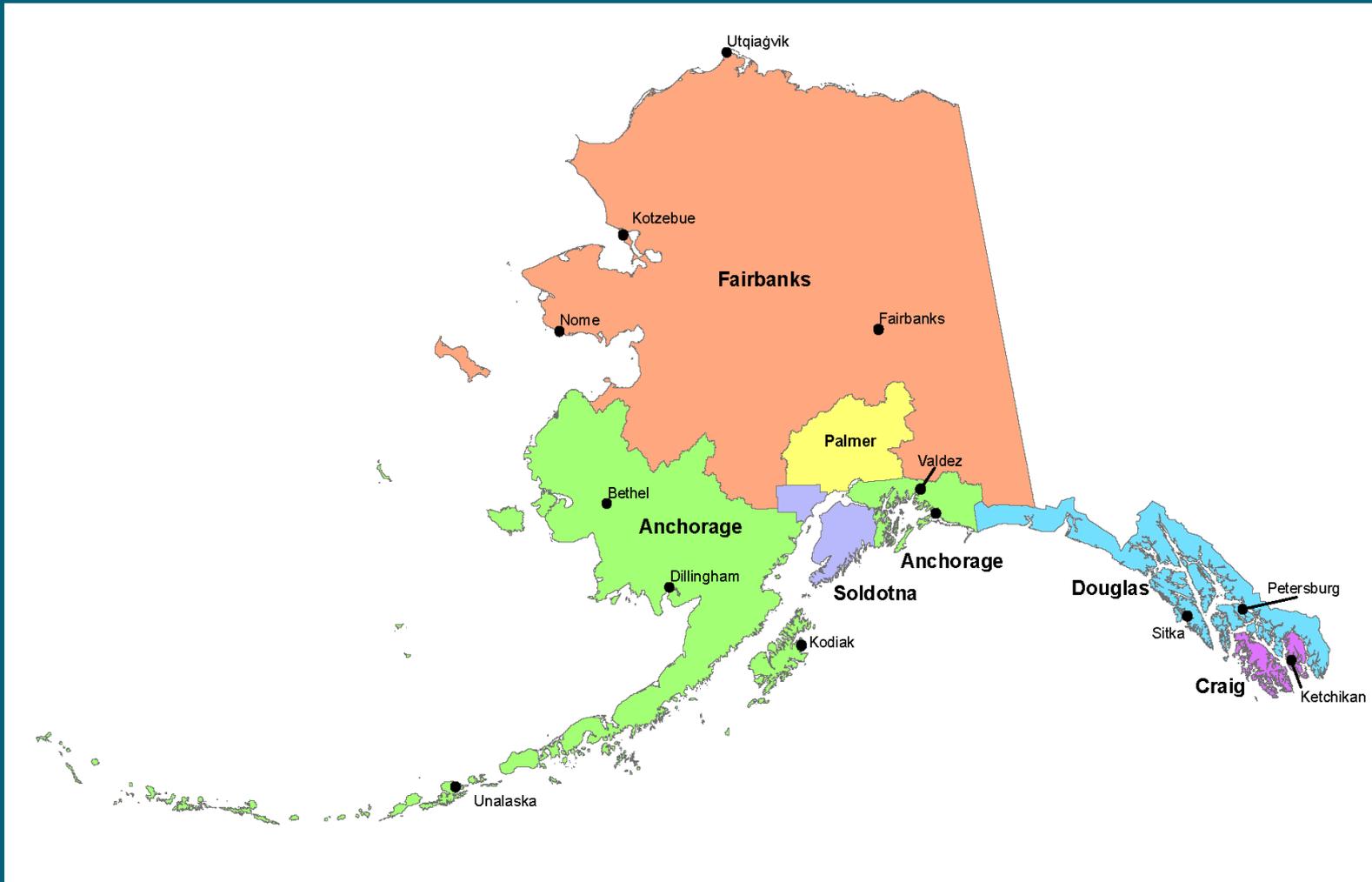
## ADF&G Statutory Authority

Broadband Permitting Workshop  
November 1st & 2nd, 2023  
Anchorage, AK



**Ron Benkert**  
Habitat Biologist  
ADF&G Habitat Section  
Anchorage Regional Office Office

# ADF&G Habitat Offices



# Habitat Office Locations and Contacts

## **Anchorage**

*Municipality of Anchorage, Prince William Sound,  
Kodiak, Aleutians, Southwest*

Alaska Department of Fish and Game  
Habitat Section  
333 Raspberry Rd, Suite 2068  
Anchorage, AK 99518  
(907) 267-2342  
[dfg.hab.infoanc@alaska.gov](mailto:dfg.hab.infoanc@alaska.gov)

## **Craig**

*Prince of Wales Island, Ketchikan*

Alaska Department of Fish and Game  
Habitat Section  
Westwind Plaza, Suite 302  
Craig, AK 99921  
(907) 826-2560  
[dfg.hab.infocga@alaska.gov](mailto:dfg.hab.infocga@alaska.gov)

## **Douglas**

*Southeast, Yakutat*

Alaska Department of Fish and Game  
Habitat Section  
802 3rd Street, 1st Floor  
Douglas, AK 99824  
(907) 465-4105  
[dfg.hab.infodou@alaska.gov](mailto:dfg.hab.infodou@alaska.gov)

## **Fairbanks**

*Interior, Northwest, Arctic Slope*

Alaska Department of Fish and Game  
Habitat Section  
1300 College Road  
Fairbanks, AK 99701-1551  
(907) 459-7289  
[dfg.hab.infofai@alaska.gov](mailto:dfg.hab.infofai@alaska.gov)

## **Palmer**

*Mat-Su Borough*

Alaska Department of Fish and Game  
Habitat Section  
1801 S. Margaret Drive, Suite 6  
Palmer, AK 99645-6736  
(907) 861-3200  
[dfg.hab.infopaq@alaska.gov](mailto:dfg.hab.infopaq@alaska.gov)

## **Soldotna**

*Kenai Peninsula Borough*

Alaska Department of Fish and Game  
Habitat Section  
514 Funny River Road  
Soldotna, AK 99669-8255  
(907) 714-2475  
[dfg.hab.infosxq@alaska.gov](mailto:dfg.hab.infosxq@alaska.gov)

# ADF&G 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

AS 16.05.851 – 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 (.841)

## Strengths

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



## Limitations

- Applies to fish passage only

# 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 (Anadromous Waters Catalog)
- (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 (.871)

## Strengths

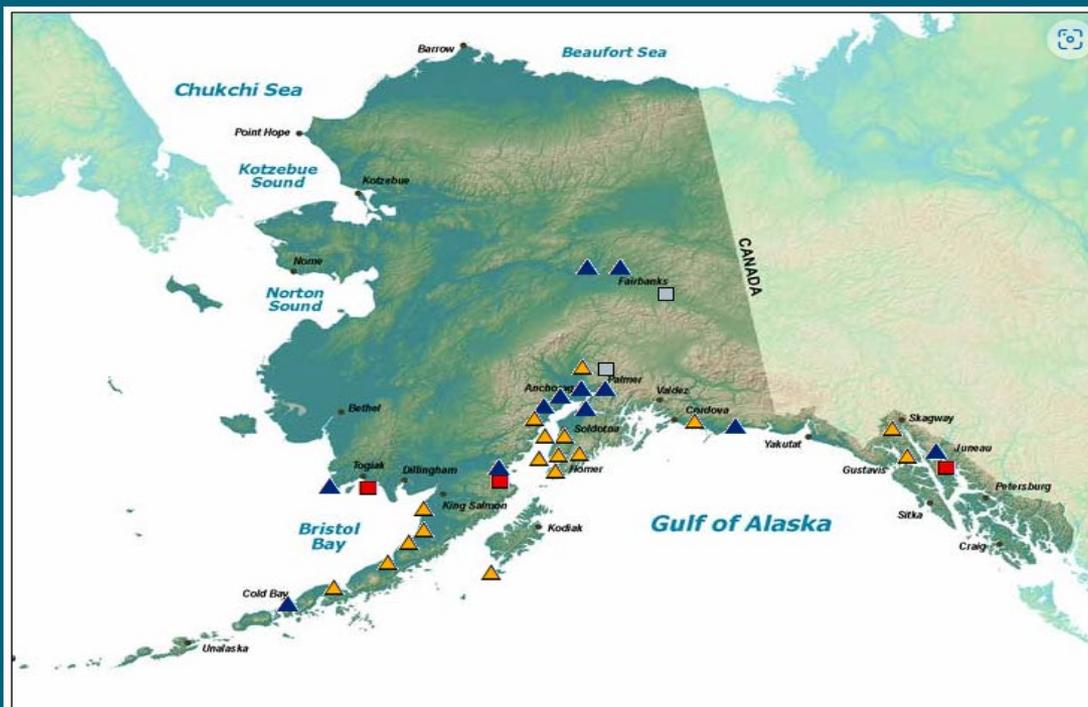
- Applies to any activity
- Applies to any life stage



## Limitations

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

# Critical Habitat Areas



## Refuges ▲

- [Anchorage Coastal](#)
- [Cape Newenham](#)
- [Creamer's Field](#)
- [Goose Bay](#)
- [Izembek](#)
- [McNeil River](#)
- [Mendenhall Wetlands](#)
- [Minto Flats](#)
- [Palmer Hay Flats](#)
- [Susitna Flats](#)
- [Trading Bay](#)
- [Yakataga](#)

## Critical Habitat Areas ▲

- [Anchor River/Fritz Creek](#)
- [Chilkat River](#)
- [Cinder River](#)
- [Clam Gulch](#)
- [Copper River Delta](#)
- [Dude Creek](#)
- [Egegik](#)
- [Fox River Flats](#)
- [Homer Airport](#)
- [Kachemak Bay](#)
- [Kalgin Island](#)
- [Pilot Point](#)
- [Port Heiden](#)
- [Port Moller](#)
- [Redoubt Bay](#)
- [Tugidak Island](#)
- [Willow Mountain](#)

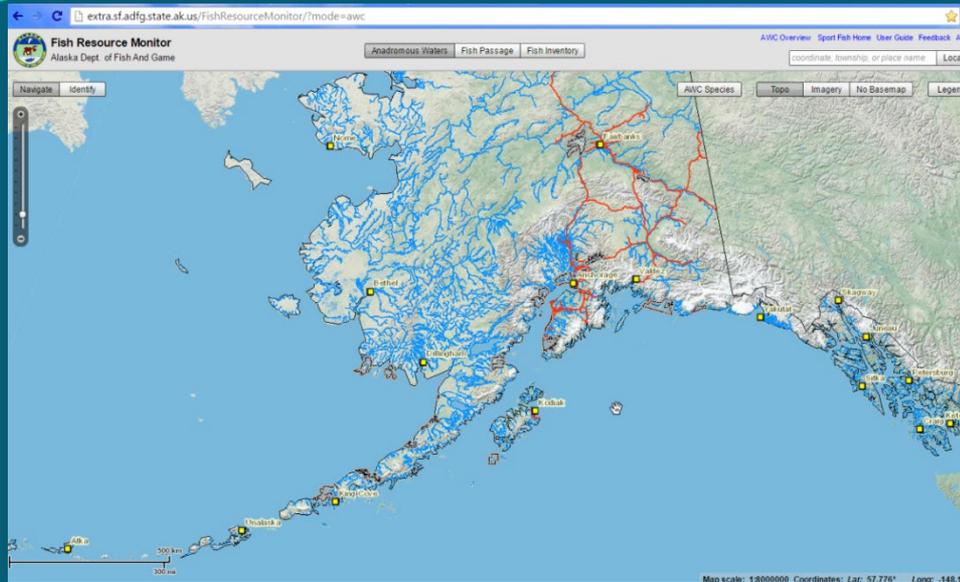
## Sanctuaries ■

- [McNeil River](#)
- [Stan Price](#)
- [Walrus Islands](#)

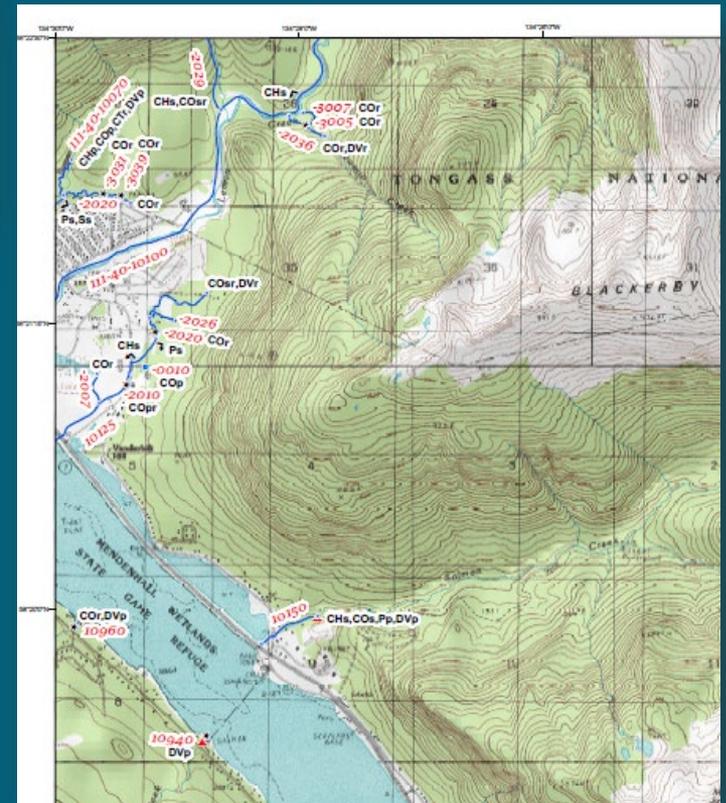
## State Ranges □

- [Delta Junction Bison](#)
- [Matanuska Valley Moose](#)

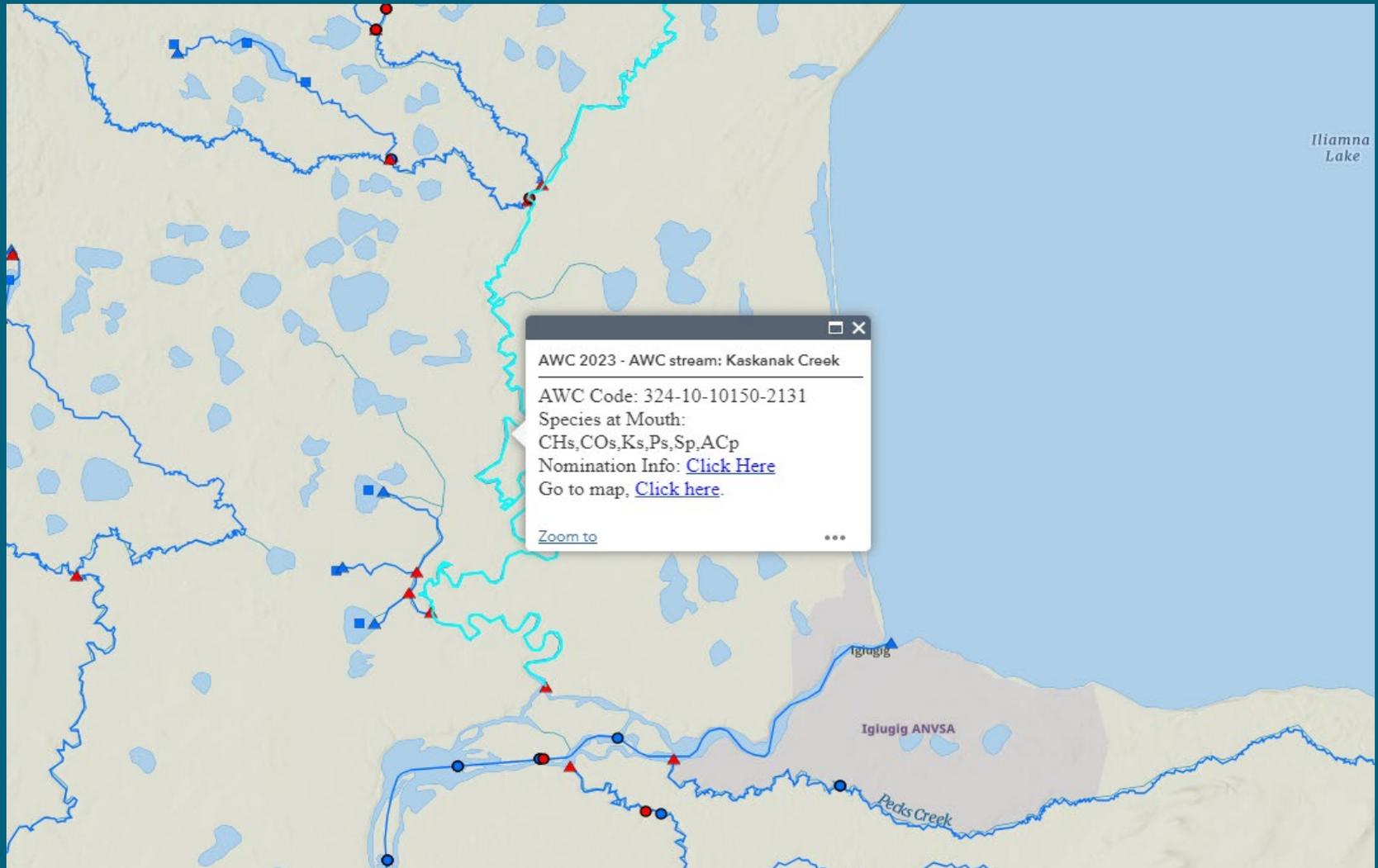
# AWC Data



- Fish Resource Monitor
- [Interactive Maps - Anadromous Waters Catalog - Sport Fish \(alaska.gov\)](#)
- GIS Data
- Google Earth (KMZ) Downloads
- Atlas Map Downloads (PDF)
- Updated annually



# AWC Information



# 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...4-6 weeks
  - Emergency exemptions
    - AS 16.05.891
    - Verbal/email approval
    - Follow up with formal permit
- Typical Stipulations
    - Timing
    - Diversion/Bypass Pumping
    - Sediment Control
    - Reveg/Stabilization
    - Fish Passage
    - Notification

# Questions?

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(907) 267-2172

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