

Instream Flow

Goal

Instream Flow. Maintain water quantity and quality sufficient to protect the human, fish, and wildlife resources and uses of the region.

Management Guidelines

A. Stream Uses to Consider for In-stream Flow Reservation (General). Streams and other waterbodies may be considered for in-stream flow reservations under AS 46.15.145.

Such reservations are intended to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or a specified part of a stream, through-out the year or for specified times. The purposes of the reservation, defined in statute, include: 1) protection of fish and wildlife habitat, migration, and propagation; 2) recreation and park purposes; 3) sanitary and water quality purposes; and 4) navigation and transportation purposes.

B. Priorities. No additional in-stream reservations of water are recommended within the planning area, but the need for such reservations should be re-evaluated at the time of the plan revision and for other waterbodies with high fisheries values. Proposals for major new developments requiring substantial water use or uses of water that will negatively impact instream flows needed to produce fish, sustain water quality, provide for navigation, and/or recreation should include an evaluation of the need for an instream water reservation or other forms of instream flow protection.

C. Process for Determining Reservations. Requests for instream water reservations will be adjudicated by the Department following the procedures identified in 11 AAC 93.141-147. In general, these procedures require establishing the management objectives of the waterbody, estimating the quantity of water seasonally available, determining the amount of water already appropriated, and projecting the instream flow requirements for the uses and resources to be protected.

D. Federal Actions and Agreements Affecting Instream Flow Reservations and Water Rights. Within the planning area, many instream flow reservations and water rights have either been established or applied for by private parties, local governments and state agencies. Such rights and reservations can be affected by water right applications and acquisitions by the federal government. Other actions can also affect water appropriation. Two such actions in this planning area include:

Federal Reserved Water Rights. There are four National Wildlife Refuges within the planning area for which ANILCA established federal reserved water rights to ensure sufficient water quantity and water quality to maintain and protect fish and wildlife, and their aquatic habitat. Federal reserved water rights will be quantified and asserted when

necessary to accomplish the purposes of the reservation or when the United States is properly joined in a general, basin-wide adjudication pursuant to the McCarran Amendment (43 USC 666).

Cooperative Management Agreement for the Terror Lake Hydroelectric Project. Parameters for instream flow are included in Attachment II of this agreement. See Appendix B for further information.

E. Other Guidelines Affecting In-stream Flow. Several other guidelines will affect instream flow. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources