

Fish Passage Regulation in Alaska

ADF&G Statutory Authority



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Discussion Objectives

- Provide an overview of ADF&G Statutory Authority for fish passage in Alaska.
- Identify strengths and limitations of ADF&G Authority
- Practical application of ADF&G Authority – Fish Habitat Permits

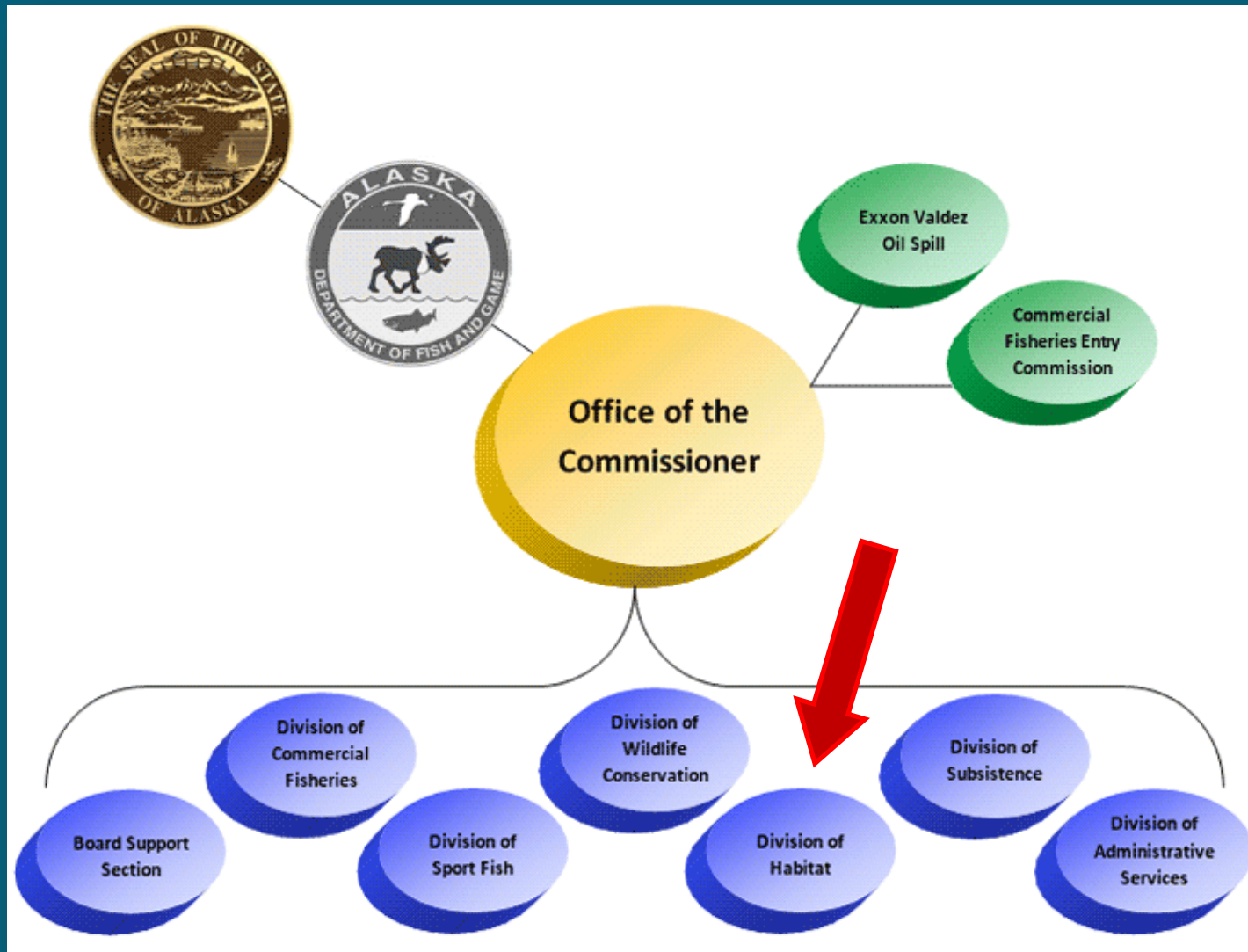


Permits & Authorizations

Relevant to fish passage in Alaska

Permit/Authorization	Regulatory Agency
Fish Habitat Permit	Alaska Department of Fish & Game
Fish Resource Permit	Alaska Department of Fish and Game
Section 10 / Section 404 Permit	US Army Corps of Engineers
Water Rights/Water Use Permit	Alaska Department of Natural Resources
Material Sale Permit	Alaska Department of Natural Resources
Flood Hazard Certification or other local permits	Borough/Municipality of project location
SWPPP review/approval	Alaska Dept. of Environmental Conservation (or muni/borough)
Right of Way/ Land Use Permit	Land manager for project area

ADF&G Habitat Division



ADF&G Statutory Authority

Fish Passage

- THE FISHWAY ACT
 - AS 16.05.841
- ANADROMOUS FISH ACT
 - AS 16.05.871
- FISH RESOURCE PERMIT
 - Required for handling or transporting fish during dewatering or diversion (Division of Sport Fish)



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
- Archaic provisions for mitigation inappropriate

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
- (b) anyone that wants to do anything in a specified water must notify ADF&G
- (c) must submit full plans for the proposed work
- (d) ADF&G will approve or deny the proposed work

Anadromous Fish Act (.871)

Strengths

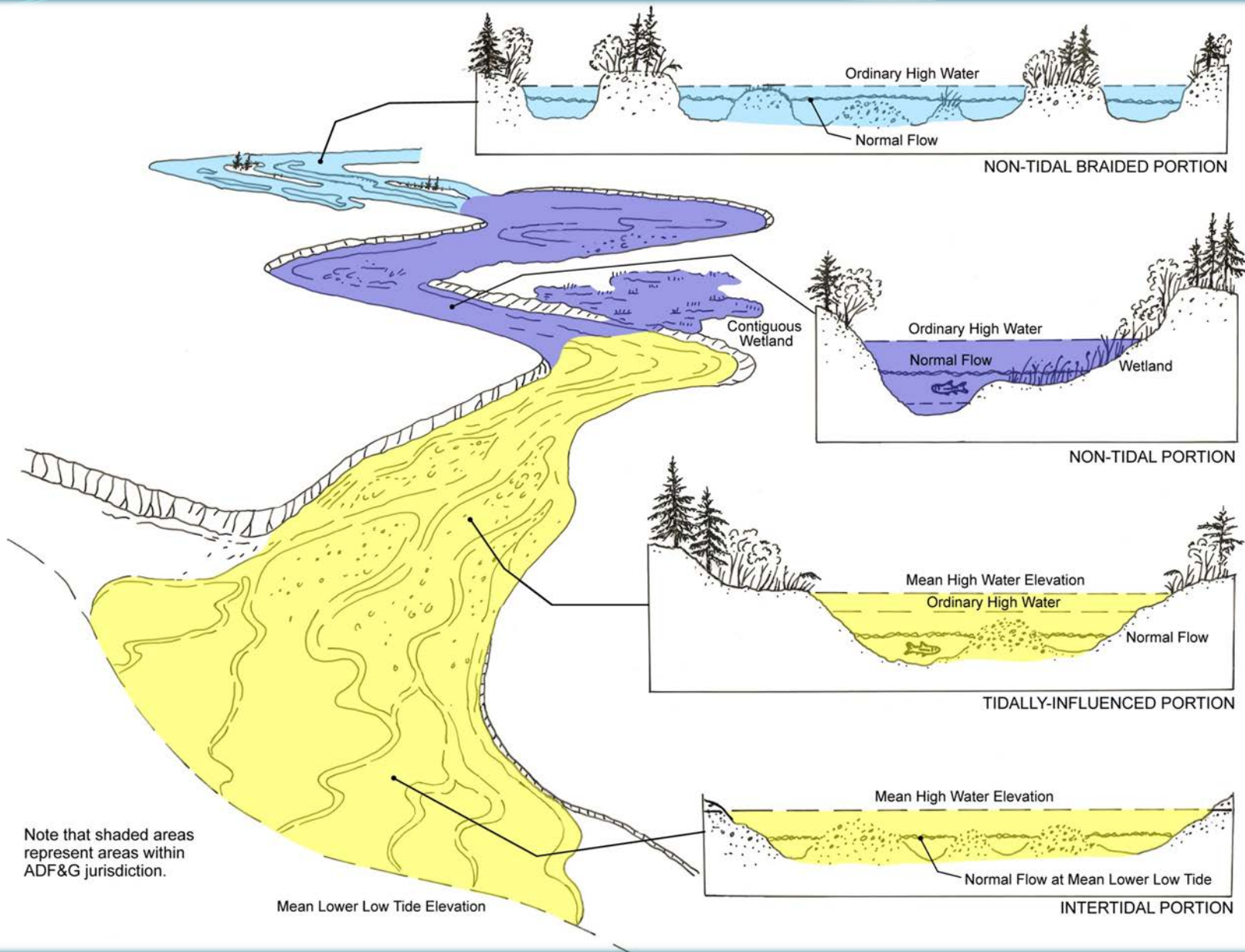
- Applies to any activity
- Applies to any life stage



Limitations

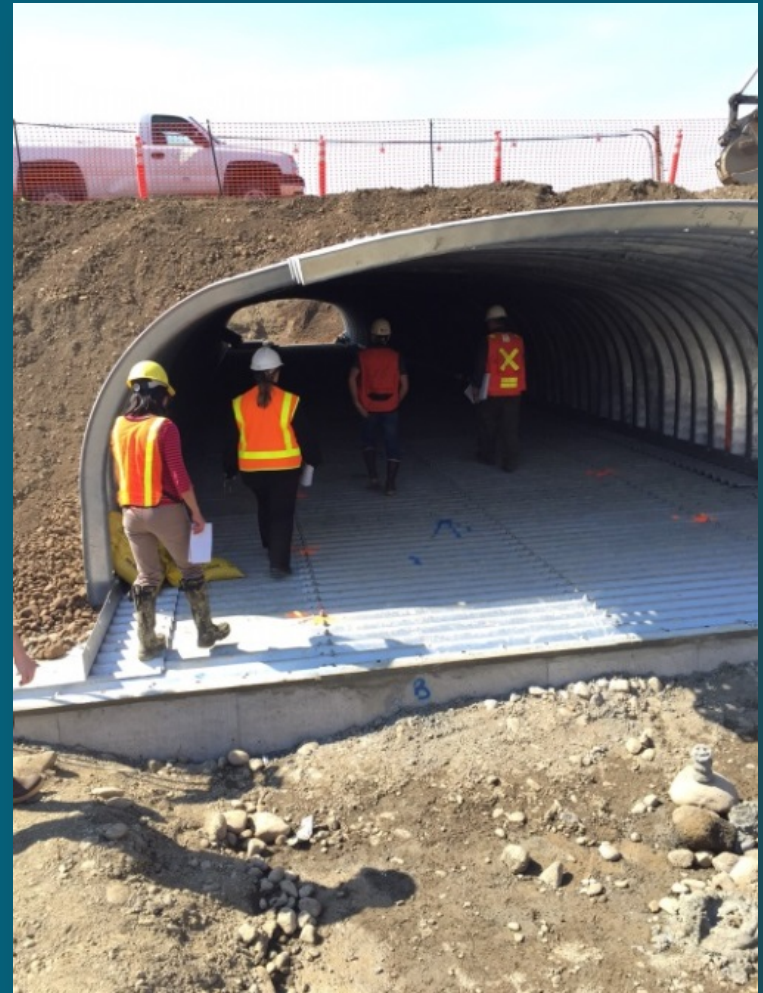
- Jurisdiction limited to below OHW
- Waterbody must be in AWC
- Freshwater only

Jurisdiction Related to OHW (.871)



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
- USFS Concurrences



Fish Habitat Permits



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of
Fish and Game
DIVISION OF HABITAT
Central Region Office

333 Raspberry Road
Anchorage, Alaska 99518-1565
Main: 907.267.2342
Fax: 907.267.2499

FISH HABITAT PERMIT FH 15-II-0064

ISSUED: April 17, 2015
EXPIRES: December 31, 2015

Alaska Department of Transportation & Public Facilities
Attn: Luke Boles
2301 Peger Rd.
Fairbanks, AK 99709

Dear Mr. Boles:

Re: Culvert Replacement – Unnamed Stream
Stream No. 221-60-11440
Section 34, T. 8 S., R. 6 W., C.R.M.
ADF&G Culvert ID No.: 20200639

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has reviewed your proposal to replace a culvert at milepost 2.19 on the Richardson Highway.

Project Description

You propose to replace the existing culvert with a 75 foot long aluminum structural plate arch pipe. The new culvert will be about 14 feet wide and 9.5 feet high with aluminum headwalls and wingwalls (see Culvert Details). This culvert is tidally influenced and will be installed at a slope of less than 1% with the invert buried a minimum of 6 inches. A riprap apron extending about 25 feet from the culvert will be installed at the inlet and outlet using class II or smaller rip rap. Voids in the riprap aprons will be filled with fine grain material and a low flow channel will be constructed to maintain flow during low tides. Additional riprap will be placed on the road embankment at the inlet and outlet of the culverts. A small side channel that currently exists on the northwest side of the culvert inlet along the road embankment will be filled when the new culvert is installed and the embankment is re-established. A new side channel, about 2 feet wide and 75 feet in length, will be excavated adjacent to the new embankment on the northwest side of the culvert inlet.

ADOT&PF
FH 15-II-0064

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During construction, the work area will be isolated from the flowing water of the creek by diverting the flow into adjacent channels to maintain fish passage during construction. If pumping is required, an appropriate fish screen will be used on the pump intake. Detailed plans for diversion will be provided by the contractor for review and approval prior to beginning construction. After diverting the creek around the work area, any stranded fish will be collected and returned to the stream channel in accordance with a valid Fish Resource Permit. Disturbed areas will be stabilized to prevent erosion and seeded with native species.

Anadromous Fish Act

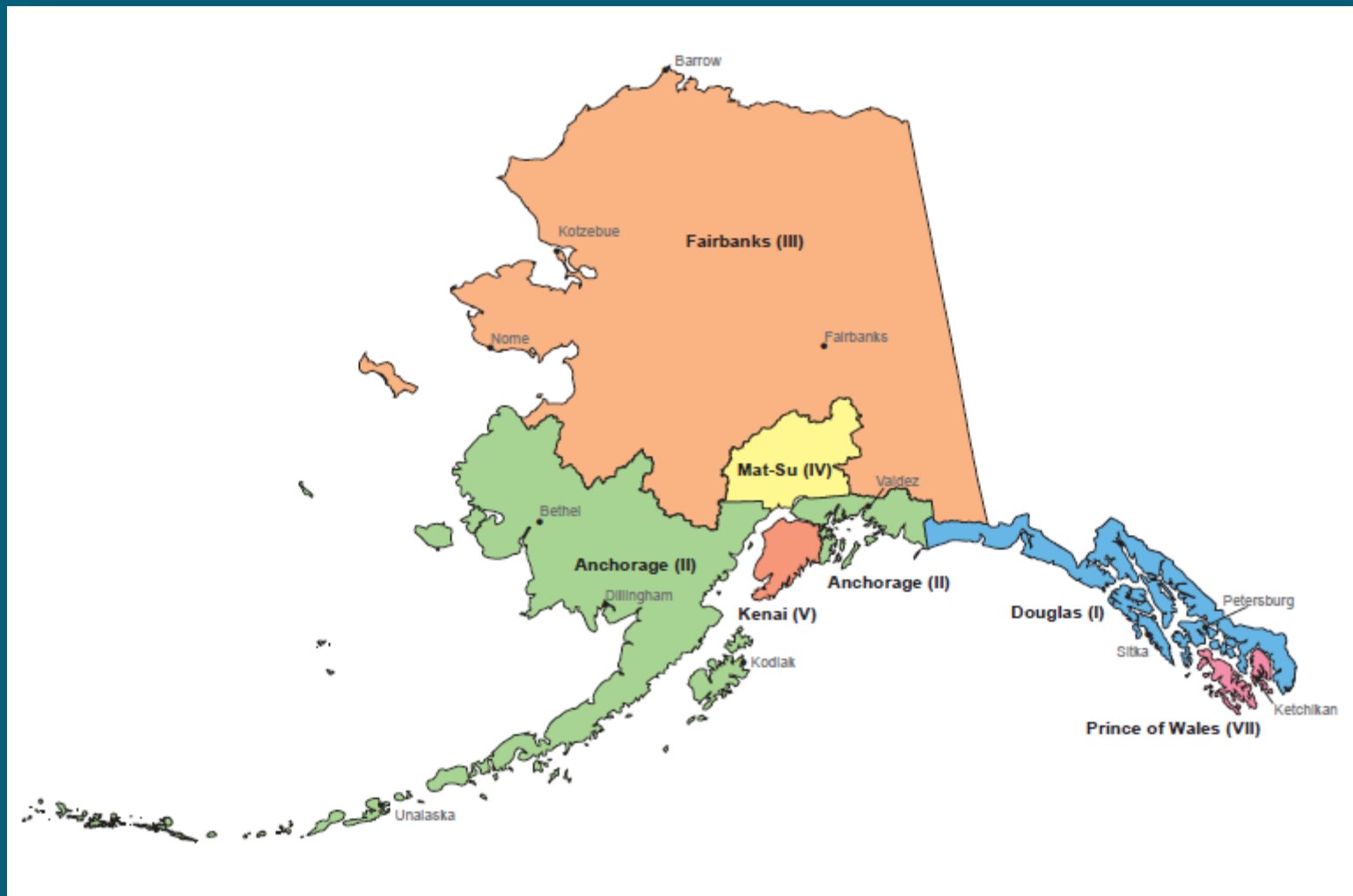
The unnamed stream has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). This stream is known to support pink and chum salmon.

In accordance with AS 16.05.871(d), project approval is hereby given subject to the project description above and the following stipulations:

1. Culvert installation shall be completed between May 1 and June 30 or after September 1.
2. The new culvert shall be installed and maintained to accommodate the efficient passage and movement of fish, both upstream and downstream, for the life of the culvert.
3. Work areas shall be isolated from the flowing waters of the creek at all times during construction. The stream reach downstream of the culvert installation shall be supplied with a constant flow of clean water sufficient to support the aquatic life in the stream and maintain fish passage.
4. If bypass pumping is required, a properly sized and screened structure must surround the water intake structure. The screen mesh shall not exceed 0.1 inches (2.4 millimeter) and the water velocity at the screen surface shall not exceed 0.5 feet per second.
5. An erosion and sediment control plan shall be provided to the Division of Habitat a minimum of two weeks prior to construction for review and approval.
6. A diversion plan, including specifications for coffer dam construction, shall be provided to the Division of Habitat a minimum of two weeks prior to construction for review and approval.
7. The Division of Habitat shall be notified by email (megan.marie@alaska.gov), telephone (267-2342) or fax (267-2499) at least 5 working days prior to beginning the permitted activities.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this

ADF&G Habitat Offices



Questions?

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Central Region Office

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