

Fish & Wildlife

HABITAT

A. Mitigation. When 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 significant adverse impacts 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 impacts on fish, wildlife, or their habitats through design, siting, timing, or other management options.
2. When significant adverse impacts cannot be avoided by design, siting, timing, or other management options, the adverse impact 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 functional 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. ADFG 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, or 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.

B. Other Uses in Fish and Wildlife Habitat Areas Designated "Ha".

The areas designated "Ha" in Chapter 3 of 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 will be used in permitting decisions and will be incorporated into the plan in the next update. The definition of "Ha" habitat areas is given in the Appendix A, *Glossary*.

When reviewing a proposed use, consideration will be given to the type of fish and wildlife habitat upon which the "Ha" designation is based. The habitat information is shown on the fish and wildlife maps and is also described in the subunits in Chapter 3. Mitigating measures will be designed to protect the specific type of fish and wildlife habitat that occurs in the designated area.

1. Designated Uses. If, within fish and wildlife habitat designated "Ha", a use other than fish and wildlife habitat is designated, the department policy is:

- a) the designated uses are compatible; or
- b) that with appropriate design, siting, and operating stipulations, the designated uses can be made compatible and significant adverse impacts to the "Ha" habitat avoided; or
- c) that the other use is of sufficient importance or lacks a feasible and prudent alternative and it should be allowed within the "Ha" habitat consistent with Guideline A., *Mitigation* and ACMP policies.

All state lands are open to mining location unless specifically closed. Unless an area is closed, mining is considered a designated use.

2. Non-designated Uses. Within "Ha" fish and wildlife habitat areas, uses that are not designated 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 that significantly decrease the value and productivity of the habitat area are initially considered incompatible with the plan's management intent and the "Ha" Fish and Wildlife Habitat designation.

However, non-designated uses that cause significant adverse impacts to a "Ha" habitat areas as described above, may be allowed if:

- a) ADFG determines through new information or more detailed analysis that the area is not "Ha" as defined in the plan; or
- b) if the project receives a final consistency determination under the ACMP and significant adverse impacts are mitigated under Guideline A and or stipulations developed for the ACMP determination.²

² Note that a project is not guaranteed DNR authorization even though all the above conditions are met. DNR will not authorize projects that do not meet DNR legal requirements or are determined not to be in the state's best interest.

C. Other Uses in Fish and Wildlife Habitat Areas Designated "Hb."

The areas designated "Hb" in Chapter 3 of the plan were defined using the best information available at the time the plans was written. When better information becomes available through additional studies, site inspections, or other means, that information will be used in permitting decisions, and will be incorporated into the plan in the next update. The definition of "Hb" habitat areas is in Appendix A, *Glossary*.

The habitat information is shown on fish and wildlife maps (maintained in the Division of Land offices) and described in the tables in Chapter 3.

Other Uses. If, within fish and wildlife habitat designated "Hb", a use other than fish and wildlife is proposed, the department policy is to allow the proposed use:

1. if consideration is given to the type of fish and wildlife habitat upon which the "Hb" designation is based, and
2. any necessary mitigating measures are designed to protect the specific type of fish and wildlife habitat that occurs in the designated area, and
3. the other proposed use is consistent with the management intent and guidelines of the plan.

Table 2.1 on the following page illustrates Guidelines B and C.

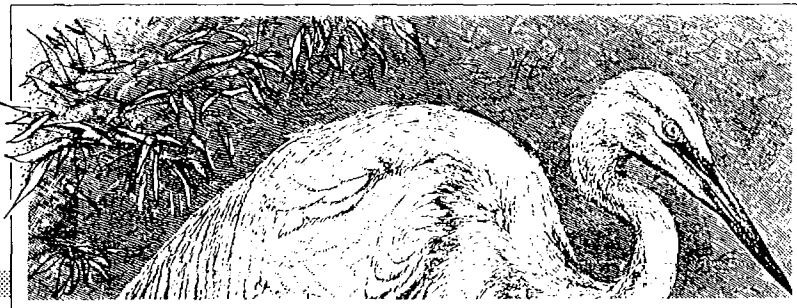
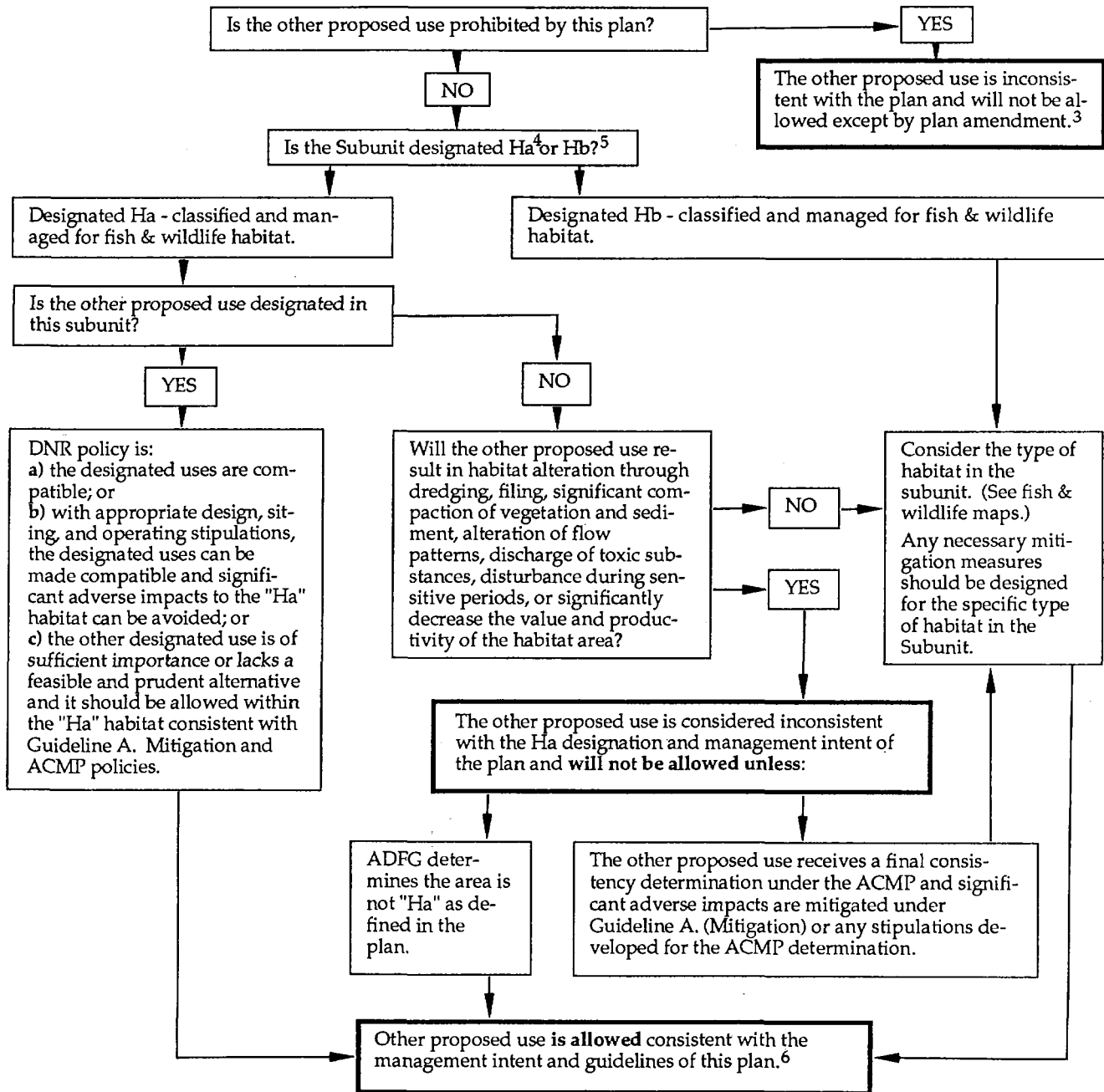


TABLE 2.1 - Other proposed uses in designated fish & wildlife habitat areas



3 See Chapter 4 for plan amendment procedures.

4 Ha Fish and Wildlife Habitat: Areas that serve as a limited, concentrated use area for fish and wildlife species during a sensitive life history stage where alternation of the habitat and or human disturbance could result in a permanent loss of a population or species' sustained yield.

5 Hb Fish and Wildlife: Areas that contain productive components of terrestrial, intertidal, or marine ecosystems where alteration of the habitat and or human disturbance would reduce yield of fish and wildlife populations either indirectly or cumulatively.

6 A project is not absolutely guaranteed DNR authorization even though all the above conditions are met. DNR will not authorize projects that do not meet DNR legal requirements; or are determined not to be in the state's best interest.

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 ADFG determines that it is beneficial to the species or habitat and DNR determines that it is compatible with other primary uses.

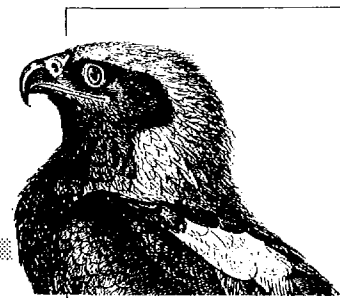
E. Hatchery Source Waters. To preserve the quality of a hatchery's water supply, activities will not be located on state land where they would risk reducing water quality below that needed by the hatchery unless the DNR determines there is no feasible and prudent alternative, the use will meet a significant public need of greater benefit than a hatchery, and the use will be in the state's best interest.

F. Threatened and Endangered Species. All land use activities will be conducted consistent with endangered species acts to: 1) avoid jeopardizing the continued existence of threatened or endangered species of animals; 2) provide for their continued use of an area; and 3) to avoid modifying or destroying 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, the U.S. Fish and Wildlife Service, or the Alaska Department of Fish and Game as threatened or endangered under state and federal Endangered Species Acts. The affected species found in the Juneau State Land Plan area are:

- » Aleutian Canada goose (*Branta canadensis leucopareia*) Endangered
- » American peregrine falcon (*Falco peregrinus anatum*) Endangered
- » Arctic peregrine falcon (*Falco peregrinus tundrius*) Threatened
- » Eskimo curlew (*Numenius borealis*) Endangered
- » Humpback whale (*Megaptera novaeangliae*) Endangered
- » Steller sea lion (*Eumetopias jubatus*) Threatened

The Fish and Wildlife Enhancement Office of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will be consulted on questions that involve threatened or endangered species. Consult with the National Marine Fisheries Service before authorizing activities within one mile of a sea lion haulout.

G. Eagles. Activities that potentially affect bald or golden eagles will be consistent with the state and federal Endangered Species Acts and the Eagle Protection Act of 1940 as amended. Consult with the U.S. Fish and Wildlife Service for locations of eagle nest, roost, and perch trees to avoid disturbance.



HARVEST

H. Other Uses in Designated Fish and Wildlife Harvest (Hv) Areas.

The areas designated Fish and Wildlife Harvest (Hv) in the plan were delineated 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 in permitting decisions and will be incorporated into the plan in the next update.

When reviewing a proposed use, consideration should be given to the type of fish and wildlife harvest upon which the designation is based. The harvest resources for the area are shown on the fish and wildlife maps and are also described in the subunits in Chapter 3. Mitigating measures should be designed to protect the specific type of fish and wildlife harvest that occurs in the designated area.

1. Designated Uses. If, within areas designated "Hv" for fish and wildlife harvest, a use other than fish and wildlife harvest is designated, the department policy is:

- a) the designated uses are compatible, or
- b) that with appropriate design, siting, and operating stipulations, the other designated use can be made compatible and significant impacts to the harvest use avoided, or
- c) that the other use is of sufficient importance or lacks a feasible and prudent alternative and it should be allowed within the harvest area consistent with the guidelines of the plan and ACMP policies.

All state lands are open to mining location unless specifically closed. Unless an area is closed, mining is considered a designated use.

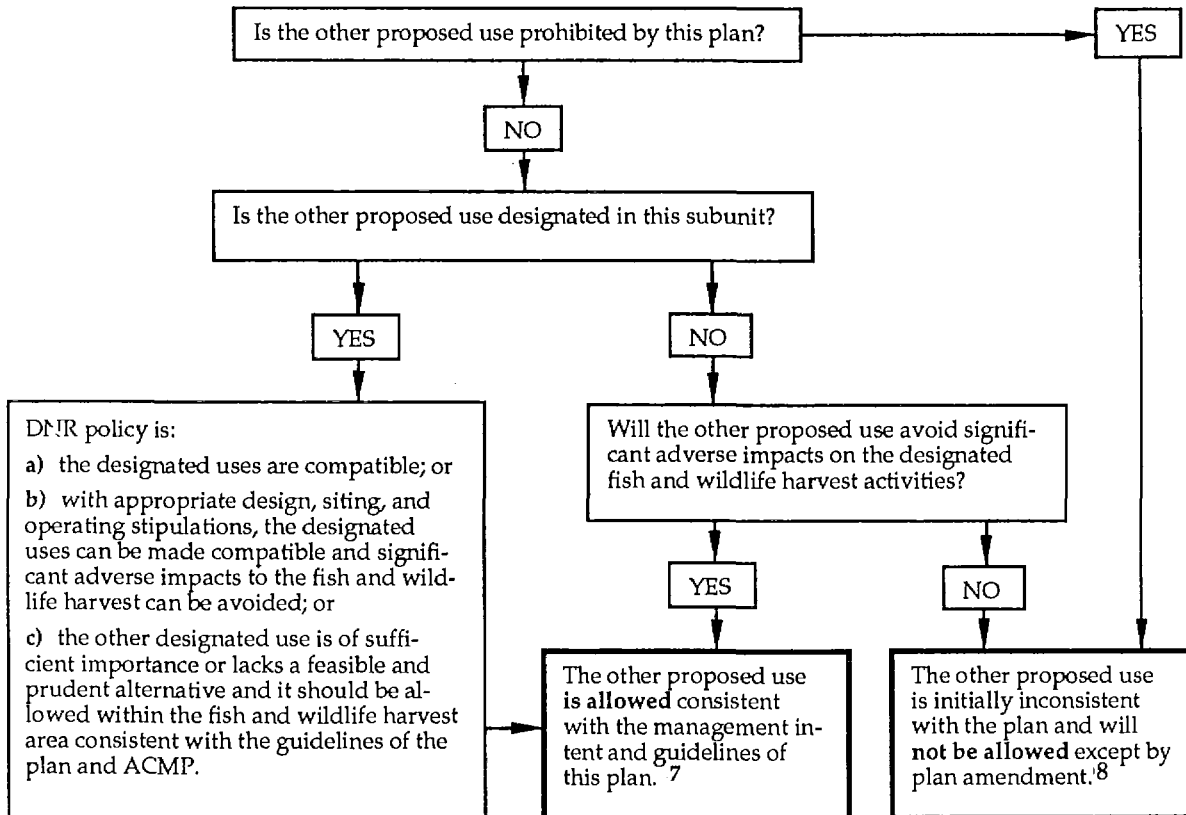
2. Non-designated Uses. Non-designated uses are initially considered to be compatible in designated harvest areas if, through guidelines and stipulations, the non-designated uses can be made to have minimal adverse impact on the harvest activity for which the area was designated. A non-designated use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

Table 2.2 on the following page illustrates Guideline H.

I. Access to Fish and Wildlife Harvest Areas (Hv). When feasible and prudent, activities adjacent to designated commercial or community fish and wildlife harvest areas will not foreclose public access during the harvest or use season unless alternative access is available. This includes commercial drift and gill net areas.

J. Activities in Intensive Purse Seine and Gill Net Areas. If there are feasible and prudent alternatives, tideland facilities should not be located where they would obstruct drift and seine use of the shoreline in intensive purse seine and gill net areas. Intensive Purse Seine and Gill Net Areas are those identified by the Alaska Department of Fish and Game.

TABLE 2.2 - Other proposed uses in designated fish & wildlife harvest areas



7 A project is not absolutely guaranteed DNR authorization even though all the above conditions are met. DNR will not authorize projects that do not meet DNR legal requirements; or are determined not to be in the state's best interest.

8 See Chapter 4 for plan amendment procedures.