

Fish & wildlife habitat and harvest

Fish & wildlife habitat

A. Mitigation

When authorizing the use or development of state lands, the Departments of Natural Resources (DNR) and Fish and Game (DFG) 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 laws, 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. DFG 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 be required by DNR only 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. Uses in designated fish and wildlife habitat⁶

When reviewing a proposed use, DNR will consider the type of fish and wildlife habitat upon which the habitat (H) 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 for the specific type of fish and wildlife habitat that occurs in the designated area.

1. **Designated uses.** If "H" fish and wildlife habitat is designated jointly with other uses, the department policy is:
 - a. the jointly 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 "H" habitat avoided; or
 - c. that the other use is of sufficient importance or lacks a feasible and prudent alternative and that it should be allowed within the "H" habitat consistent with Guideline A of this section and ACMP policies.
2. **Non-designated uses.** Within "H" 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 "H" fish and wildlife habitat designation.

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

- a. DNR and DFG determine through new information or more detailed analysis that the area is not "H" habitat 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 or under stipulations developed for the ACMP determination.⁷

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

D. Threatened and endangered species

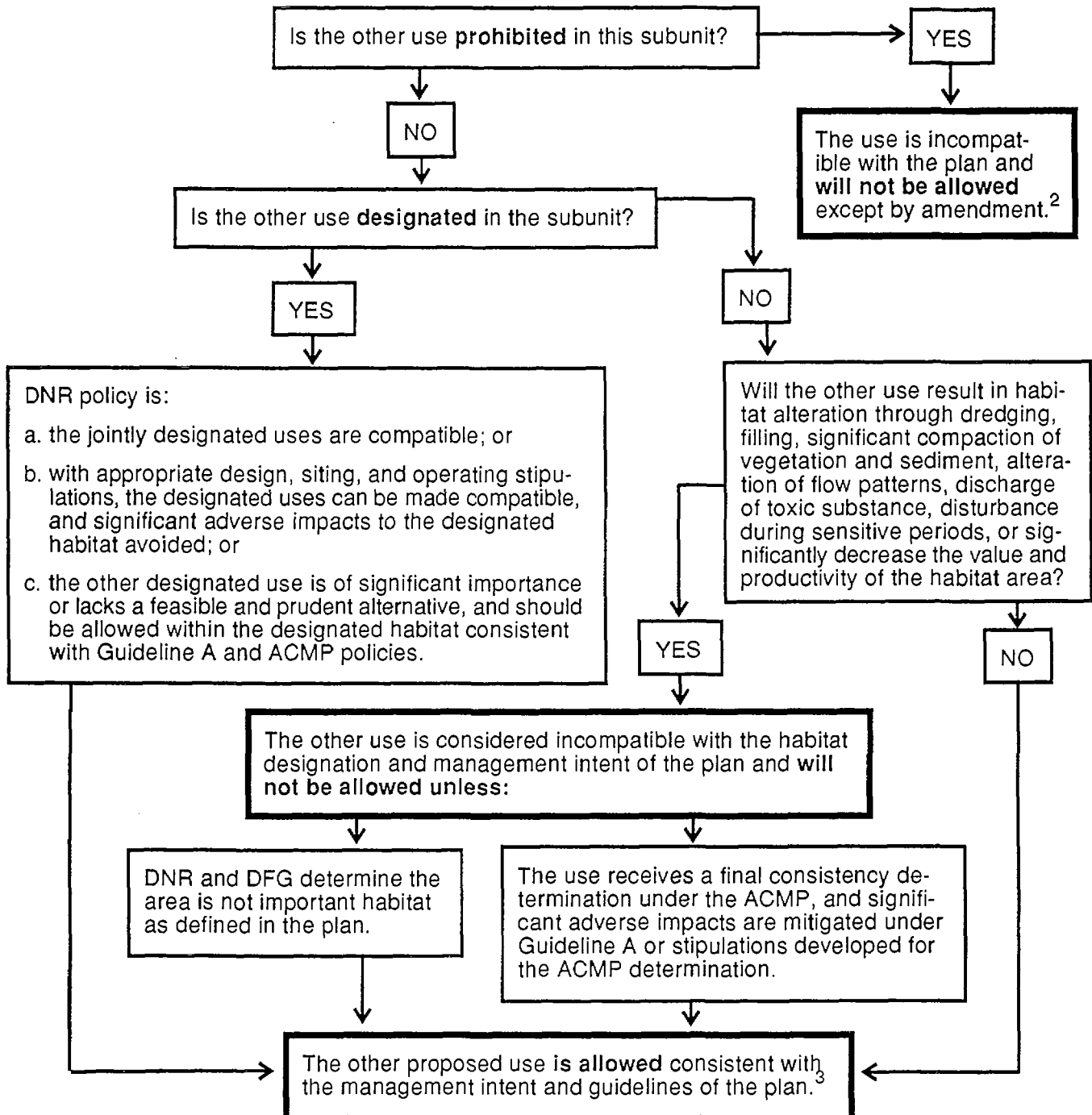
All land use activities will be conducted consistent with state and federal endangered species acts. DNR's intent is to avoid jeopardizing the continued existence of threatened or endangered species by 1) providing for their continued use of an area; and 2) avoiding modifying or destroying their habitat.

⁶ The areas designated fish and wildlife habitat (H) 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 important habitat (H), is in the Glossary and the criteria DFG used to map important habitat are stated in Appendix E.

⁷ 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 that DNR determines not to be in the state's best interest.

Figure 2.1

Other uses¹ in designated fish & wildlife habitat areas^{2, 3}



1 Uses other than protection, maintenance or enhancement of fish and wildlife habitat.
 2 See Chapter 4 for plan amendment procedures.
 3 A project is not automatically 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.

Through interagency consultation, DNR will identify the habitat locations that support threatened or endangered species. Specific mitigation recommendations should be identified through interagency consultations for any land use activity that potentially affects threatened or endangered species. When this plan was approved, the following species in the Yakataga area were listed as threatened or endangered.⁸

■ American peregrine falcon (<i>Falco peregrinus anatum</i>)	Endangered
■ Arctic peregrine falcon (<i>Falco peregrinus tundrius</i>)	Threatened
■ Gray whales (<i>Eschrichtius robustus</i>)	Endangered
■ Humpback whale (<i>Megaptera novaeangliae</i>)	Endangered
■ Steller sea lion (<i>Eumetopias jubatus</i>)	Threatened

DNR will consult the Fish and Wildlife Enhancement Office of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service when proposed activities on state land may involve threatened or endangered species.

DNR will consult the National Marine Fisheries Service before authorizing activities within one mile of a sea lion haul out.



Brown bear

E. Bear habitat and forest management activities

Through the Forest Land Use Plan process (FLUP), DNR will make allowances for important bear habitat identified by DFG.⁹ Allowances in the FLUP will address impacts to bears in concentration areas during the periods that bears concentrate in these areas, along with maintenance of vegetation for food and cover. DNR, in cooperation with DFG, will apply more detailed habitat protection through the Forest Land Use Plan (FLUP) process. The concentration areas are mapped in the Fish and Wildlife Resource Atlas of the Yakataga Area Plan. Concentrated use of spring feeding areas extends from April 20 to May 30, or a shorter period specified by DFG depending on actual weather conditions. Concentrated use of summer/fall feeding areas often depends on the timing of salmon spawning in particular streams and will be determined in the FLUPs.

⁸ The list of species will change over time. Check with DFG, USFS, and NMFS for the most recent state and federal lists of threatened or endangered species.

⁹ For timber harvest under ADL 223456, the university's Annual Operating Plan rather than a FLUP will be the means to implement this guideline.

F. Fish and wildlife enhancement activities

Fish and wildlife enhancement activities on state lands, whether by DFG or other parties, will be consistent with the management intent for those lands. DFG and DNR will consider any impacts from increased public use on existing uses.

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. DNR will consult with the U.S. Fish and Wildlife Service for locations of eagle nest, roost, and perch trees to avoid disturbance.

H. Trumpeter swan nesting and brood rearing concentration areas and wintering areas

Where feasible and prudent, all land use activities in or near trumpeter swan nesting and brood rearing concentration areas and wintering areas, including sales or the granting of leases or permits, will be conducted to avoid disturbance to swans or detrimental alteration to the habitat. Leases or permits may include seasonal restrictions on activities to avoid disturbance to swans. DNR will consult DFG to identify current or potential nesting or brood rearing concentration areas or wintering areas and to determine guidelines to follow and activities to avoid.

I. Bear and human interaction

Where feasible and prudent, work camps and waste disposal sites will be sited farther than one mile from bear concentration areas to minimize the encounters between humans and bears and reduce "Defense of Life or Property" bear mortality. All solid wastes will be disposed of in a DEC-approved manner to avoid habituating bears to human food and causing bears to be killed in defense of life and property.

Except for stream crossings, roads will be built farther than 600 feet from bear summer/fall concentrations along streams where feasible and prudent, to prevent displacing bears away from the critical salmon feeding areas.

J. Harbor seal pupping and molting

DNR will consult the National Marine Fisheries Service before authorizing activities on (1) lands within one mile of harbor seal pupping and molting areas and (2) state waters or tidelands or submerged lands within three miles of harbor seal pupping and molting areas. DNR's intent is to avoid disturbance to harbor seals during these vulnerable life stages.

Fish & wildlife harvest

K. Uses in designated fish and wildlife harvest 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, DNR will use that information in permitting decisions and incorporate it into the plan in the next update.

When reviewing a proposed use in a designated harvest area, DNR will consider mitigating measures for the specific type of fish and wildlife harvest that occurs in that designated area. The harvest resources for the area are shown on the fish and wildlife maps and are also described in the subunits in Chapter 3.

1. **Designated uses.** If fish and wildlife harvest areas (HV) are designated jointly with other uses, 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 adverse impacts to the harvest use avoided, or
 - c. that the other use is of sufficient importance or lacks a feasible and prudent alternative and that it should be allowed within the harvest area consistent with the guidelines of the plan and ACMP policies.
2. **Non-designated uses.** Non-designated uses are initially considered to be compatible in designated harvest areas if the non-designated uses will avoid significant adverse impacts 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.

L. Access to fish and wildlife harvest areas

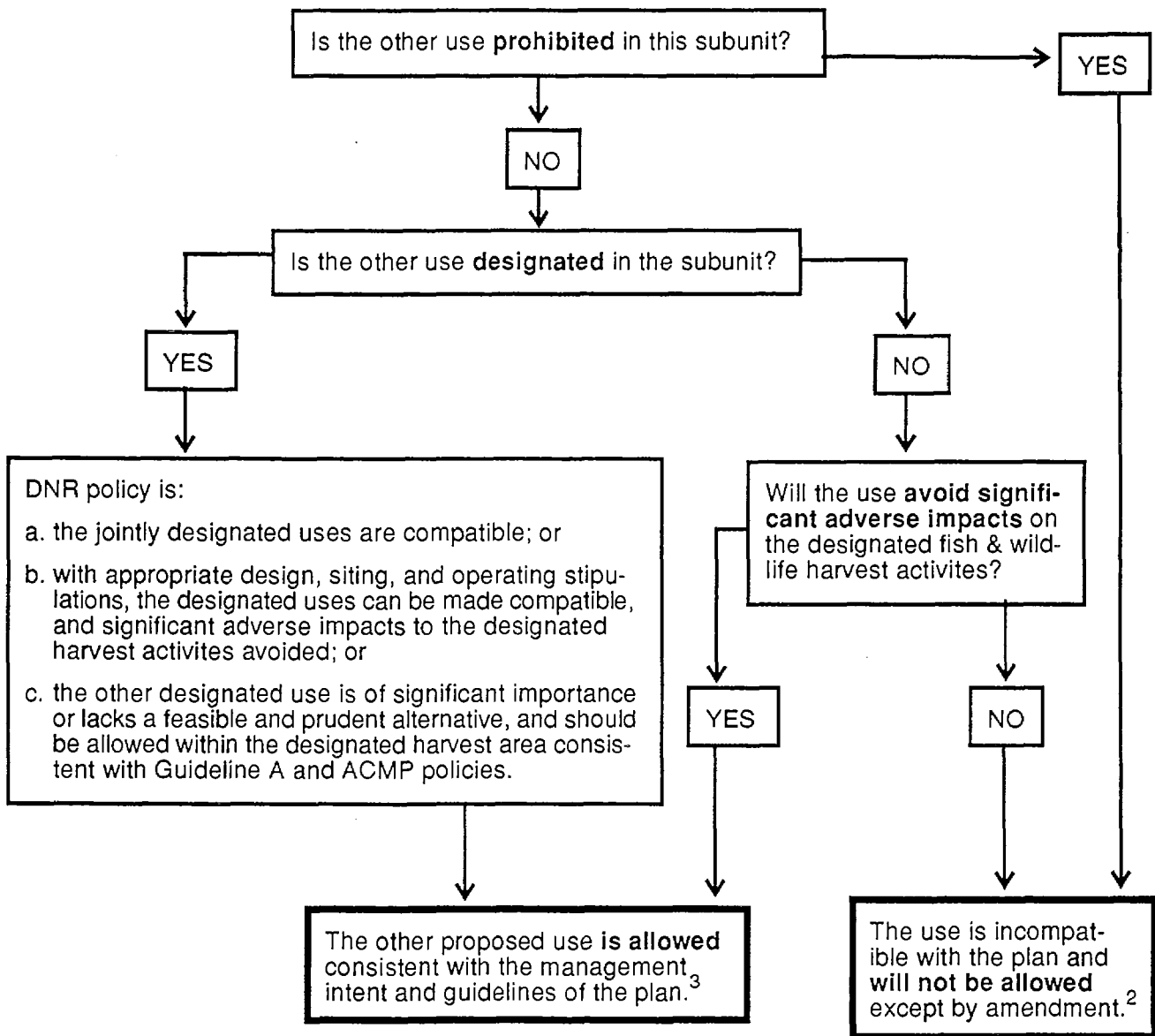
When feasible and prudent, activities adjacent to designated commercial or community fish and wildlife harvest areas will not foreclose public access during the harvest or use season unless alternative access is available. This includes public access to commercial set net areas.

M. Activities in intensive set net and troll fishing areas

If there are feasible and prudent alternatives, tideland and shore facilities should not be located where they would obstruct trolling, set net, or other types of fishing in intensive fish harvest areas. Intensive fish harvest areas have been identified by DFG in the Yakataga Area Plan Fish and Wildlife Resources Atlas.

Figure 2.2

Other uses¹ in fish & wildlife harvest areas^{2, 3}



1 Uses other than protection, maintenance or enhancement of fish and wildlife harvest areas.

2 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.

3 See Chapter 4 for plan amendment procedures.