

# **State of Alaska FY2003 Governor's Operating Budget**

## **Department of Fish and Game Habitat Component Budget Summary**

## **Component: Habitat**

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## **Component Mission**

The mission of the Habitat component is to protect Alaska's valuable fish and wildlife resources as Alaska's population and economy continues to expand. This mission is achieved by identifying and protecting important commercial, sport, subsistence and other fisheries through timely permit review and approvals for projects affecting anadromous waterbodies or legislatively designated special areas, and through implementation of Alaska's Coastal Management Program, the Forest Resources and Practices Act, and review of proposed development and land use plans for impacts on fish and wildlife populations and their users.

## **Component Services Provided**

Review applications and provide approval, denial, or conditioning of permits for activities in fish-bearing waters and legislatively designated special areas (i.e., state game refuges, sanctuaries, and critical habitat areas); provide fish, wildlife, and habitat expertise to protect important fish and wildlife habitat during project planning, design, and construction stages.

Conduct pre- and post-construction monitoring of authorized projects, and identification of unauthorized projects.

Maintain and revise the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes and its associated map atlas.

Coordinate project reviews and provide fish and wildlife habitat, harvest, and public access recommendations on projects authorized under other agencies' regulatory or permitting authorities.

Review proposed operational timber harvest activities, conduct pre- and post- harvest field inspections, and work cooperatively with timber operators and other governmental agencies on projects to benefit fish and wildlife habitat.

Provide departmental coordination and participation in state onshore and nearshore oil and gas leasing and federal offshore (OCS) and onshore leasing.

## **Component Goals and Strategies**

Implement the Anadromous Fish Act and the Fishway Act consistently across the state to maintain the productivity of anadromous fish habitat and efficient fish passage to sustain subsistence, personal use, sport, and commercial fisheries in Alaska.

Through both regulatory and non-regulatory means, seek cooperative methods to protect Alaska's valuable fish and wildlife resources while providing for the economic health and growth of the state. The division does this by conducting cooperative research to identify successful mitigation and restoration techniques for industrial and community development; by identifying valuable fish and wildlife resources in advance of development activity so that protection measures can be developed on a least-cost basis; and by reviewing proposed development and land use plans for impacts on fish and wildlife populations and their users.

Review all permit applications in a timely manner and issue, condition, or deny permits in order to ensure proper protection of anadromous fish and their habitat and to provide for the unobstructed passage of fish.

Work with applicants prior to project submittals to ensure incorporation of environmental data into the project design and to include, where feasible, opportunities for fish, wildlife, and habitat restoration. Also, conduct field inspections for specific projects collecting biological and physical data prior to, during, and after project completion to assess biological change, evaluate effectiveness of mitigation, determine compliance with permits, and identify remedial work required.

Protect important fish and wildlife habitat, including that which supports subsistence, commercial and sport salmon and

other fisheries, by providing technical assistance to applicants regarding proper fish habitat protection measures, through timely permit decisions, and through cooperative projects with local governments and public and private development interests that are based on sound science and construction methods.

Maintain important habitat values and public uses in legislatively designated critical habitat areas, refuges, and sanctuaries (Special Areas) consistent with the purpose for which these areas were established, through effective administration of Special Area Permit regulations.

Assist the Division of Commercial Fisheries in implementing the Aquatic Farm Act across the state by consistently reviewing applications and permitting farms that do not significantly alter traditional fisheries or other existing uses of fish and wildlife or cause significant adverse effects on fisheries, wildlife or their habitats.

Develop general permits for various types of activities that expedite permitting timelines while still ensuring the proper protection of anadromous fish resources.

Implement the standards of the Forest Resources and Practices Act (FPA) to minimize adverse impacts from timber harvesting on commercial, sport, and subsistence fish and wildlife resources, and ensure maintenance of sustained yields of fish and wildlife resources for sport, subsistence, and commercial fishers and sport and subsistence hunters. Review forest practices notifications, variation requests, forest land use plans, area-wide Five Year Schedules of Timber Sales, Environmental Assessments for federal timber-related actions or any other proposed forest management planning activities and make recommendations that will protect fish and wildlife resources and maintain water quality. Work cooperatively with private landowners, timber owners, and timber operators to protect anadromous and resident fish and wildlife. Conduct Best Management Practice (BMP) compliance and effectiveness monitoring on forest practices activities to ensure that fish and wildlife habitat, as well as water quality is protected and that fish passage is being provided. Conduct advanced fish habitat identification in watersheds where forest practices activities are anticipated in the near future.

Provide supervision, departmental coordination, and participation in state onshore and nearshore oil and gas leasing and federal offshore (OCS) and onshore leasing. Review lease sale proposals, provide or comment on fish and wildlife resource information, evaluate potential environmental effects of proposed sales, and recommend leasing strategies and mitigation measures to avoid or minimize possible adverse impacts.

On public lands, minimize adverse impacts of commercial forestry, mining, industrial and urban development, transportation infrastructure, and tourism on fish and wildlife habitats and public uses of fish and wildlife. On private lands, minimize adverse impacts of commercial forestry, mining, industrial and urban development, transportation infrastructure, and tourism on fish and wildlife, to the extent required by law.

Provide departmental coordination and participation in government and industry oil spill contingency planning. Review contingency plans, comment on fish and wildlife resources potentially at risk, and comment on response strategies to avoid or reduce possible oil spill impacts.

Ensure coastal projects and developments are consistent with coastal district plans and standards prepared under the Alaska Coastal Management Program and with state fish, wildlife, and habitat laws.

Accomplish these goals through: supervision and technical training of all agency staff that are reviewing development proposals to ensure quality control; field reviews of proposed developments and post-construction conditions; technical assistance to permit applicants; interagency collaboration to ensure a coherent, sensible final project design; and budget accountability.

### **Key Component Issues for FY2002 – 2003**

Funding for permitting and project monitoring services continues to lag behind the rate and complexity of development occurring and projected to occur in Alaska. Thoroughness and timeliness of services provided is vital to the maintenance of the state's fish and wildlife resources. The state's fish and wildlife expertise has become even more critical as funding for other state agencies' permitting and review programs has been reduced and they have been forced to relinquish certain environmental programs to the federal government.

Specific issues in this component include:

- Field data collection, review of engineering designs, and issuance of permits relating to planning and construction of a natural gas line from Prudhoe Bay.
- Renewal of the Trans-Alaska Oil Pipeline lease.
- Adverse effects on fish passage or productivity of anadromous streams from placement of culverts, dams, and bridges; bank stabilization, water withdrawal, utility construction, and transportation projects; urbanization; and gravel and placer mining in floodplains.
- Effects of increased road and airport construction, all-terrain vehicle traffic, oil/gas exploration and development, and recreational developments on legislatively designated special areas.
- Fish and wildlife impacts from pipeline construction and operation activities on the North Slope and in the Cook Inlet Basin.
- Maintenance of water quality and fish habitat in streams in urbanizing areas and at existing and potential hardrock mines.
- Maintenance of fish and wildlife resources and habitat and their use in relation to timber harvests, mining activities, and oil and gas development activities.
- The location and design of timber harvest units, roads, and log transfer and storage facilities, particularly in key areas that are used by fish and wildlife and which are increasingly impacted by timber harvest and/or urbanization.
- Maintenance of coastal habitat as tideland development, particularly harbors, docks, and other water-dependent development, increases in areas of productive habitat or areas important for existing uses of fish or wildlife.

### Major Component Accomplishments in 2001

The Habitat and Restoration Division received 3,266 applications for review in FY01 (488 more projects than in FY99). This included 1,999 Title 16 Fish Habitat and Special Areas Permits, and 1,267 other agency permits for activities likely to have an impact on fish, wildlife, and habitat, access and public uses. The division approved 2,412 applications, and provided general conditions or determined that no permit was needed for 792 applications. The division determined that 13 Title 16 applications could not be issued, and recommended that 49 other agency authorizations not be issued because of unavoidable impacts to fish and wildlife resources or public use. The overall approval rate for FY01 for Title 16 permits was 99.4 percent. The average time to review a Title 16 application was 17 days and 17 days for all other applications. Ninety-two percent of all Title 16 permits and 91 percent of all other applications were issued within deadlines. Results of this activity helped to: protect resource and public use values in legislatively designated special areas; avoid adverse impacts to spawning and high-quality rearing habitat of anadromous fish; avoid significant adverse impacts to lower-quality rearing and migratory habitats of anadromous fish; and avoid significant adverse impact to the efficient passage of all fish species in fresh waterbodies.

Division staff worked with many project applicants during the design stage to reduce or eliminate adverse impacts (e.g., ADOT transportation projects, Kenai River bank restoration projects, Newhalen-Nondalton Road improvements and Newhalen River Bridge). Staff monitored specific projects and collected biological and physical data (e.g., Fort Knox mine, Red Dog mine).

The conversion of the Anadromous Waters Catalog atlas data into a Geographic Information System (GIS) format for the Southeast Region was 95 percent completed. This included the addition of digital USGS hydrography and fish species data for 5,540 waterbodies that provide habitat for salmon and other anadromous fish in Southeast Alaska; this completes the conversion for approximately 80 percent of the cataloged water bodies within the state. Conversion to GIS will allow electronic distribution of this information and future linking to other important stream data such as escapements, water quality, and stream flows.

During FY01, division staff reviewed 203 operational plans for state, federal, and private timber harvest operations throughout Alaska to ensure compliance with the Forest Resources and Practices Act. Approximately 133 on-site field inspections were completed, requiring 240 days in the field. Staff worked with the Board of Forestry, DNR and DEC to identify priorities for forestry research and management programs.

All oil and gas projects (exploratory, development, and production) were reviewed, and consolidated department comments were provided to mitigate impacts to fish and wildlife resources and their habitat. Staff provided comments on all proposed state oil and gas lease sales, including new exploration license areas. Department staff also provided comments on the federal Five Year Outer Continental Shelf Program for 2002-2007 and the 2002-2003 Environmental Studies Strategic Plan.

All government oil spill contingency plans and new industry contingency plans were reviewed. Only about one-fifth of the industry plan renewals were reviewed; however, departmental comments on these plans were provided during previous fiscal years. All projects within the coastal zone were reviewed and consistency determinations were prepared.

The most sensitive and important fish and wildlife habitats on public uplands were generally protected in areas developed for timber and mineral resources, subdivisions or tourism. However, most public lands are managed for multiple uses where the need to balance between competing uses may result in adverse impacts to fish or wildlife in order to provide economic opportunity.

Significant adverse impacts to anadromous fish were generally avoided on private and Mental Health Trust lands where timber, mineral and recreational resources were developed. On these lands, resident fish receive minimal protection, and wildlife habitat protection is generally limited to that which is voluntary on the part of the landowner.

Dredging and filling of state tidelands was generally limited to areas of lower habitat value that are not as important to the public's use of fish and wildlife.

### **Statutory and Regulatory Authority**

AS 16.05.840	Fishway Required
AS 16.05.870	Protection of Fish and Game
AS 16.20	Conservation and Protection of Alaskan Wildlife
AS 41.17	Alaska Forest Resources and Practices Act
AS46.40	Alaska Coastal Management Program
5AAC 95.010-990	Protection of Fish and Game Habitat
11AAC 95	Alaska Forest Resources and Practices
6AAC 80.130	Habitats
18AAC 70	Water Quality Standards
18AAC75	Oil and Hazardous Substance Pollution Control

**Habitat**  
**Component Financial Summary**

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	1,277.1	3,869.7	4,259.6
72000 Travel	103.8	336.9	368.0
73000 Contractual	134.0	901.4	1,023.9
74000 Supplies	69.1	154.4	188.8
75000 Equipment	21.9	66.4	94.4
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>1,605.9</b>	<b>5,328.8</b>	<b>5,934.7</b>
<b>Funding Sources:</b>			
1002 Federal Receipts	168.7	380.1	387.1
1003 General Fund Match	54.3	204.1	204.1
1004 General Fund Receipts	60.5	1,746.6	2,297.4
1007 Inter-Agency Receipts	1,101.0	2,481.3	2,523.4
1055 Inter-agency/Oil & Hazardous Waste	46.8	96.5	97.5
1108 Statutory Designated Program Receipts	174.6	420.2	425.2
<b>Funding Totals</b>	<b>1,605.9</b>	<b>5,328.8</b>	<b>5,934.7</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<b>Unrestricted Revenues</b>						
None.		0.0	0.0	0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>						
Federal Receipts	51010	168.7	380.1	380.1	387.1	398.7
Interagency Receipts	51015	1,101.0	2,481.3	2,481.3	2,523.4	2,589.4
Statutory Designated Program Receipts	51063	174.6	420.2	420.2	425.2	438.4
Interagency Recs./Oil & Hazardous Waste	51395	46.8	96.5	96.5	97.5	101.5
<b>Restricted Total</b>		<b>1,491.1</b>	<b>3,378.1</b>	<b>3,378.1</b>	<b>3,433.2</b>	<b>3,528.0</b>
<b>Total Estimated Revenues</b>		<b>1,491.1</b>	<b>3,378.1</b>	<b>3,378.1</b>	<b>3,433.2</b>	<b>3,528.0</b>

## Habitat

### Proposed Changes in Levels of Service for FY2003

Increases in oil and gas activity on the North Slope and in Cook Inlet have resulted in the identification of several new oil or gas fields in various stages of permitting and development. Programs that promote oil and gas exploration in areas with marginal potential (e.g. exploration licenses and shallow natural gas leases) are likely to lead to increased industry activity. Additional staff time and effort to work with industry on these projects is essential for timely design review and permitting.

The Kenai River Center has provided "one-stop permitting" for developments on the Kenai since 1996. Having DFG, DNR, EPA and Borough permitters in one location greatly facilitates the permitting process, and has been extremely popular with Kenai Peninsula residents. Most of the funding for division staff at the Center was provided by a CIP (SB 183 passed in 1996) that ended during FY01 and was replaced by a general fund appropriation. Additional funding for Kenai River Cost Share restoration projects was provided by an appropriation from the Exxon Criminal Settlement fund and a re-appropriation of \$55.0 in fish and game funds. Additional staff is needed due to the borough's addition of 100 streams to its stream protection ordinance and the need to focus on major Kenai Peninsula rivers besides the Kenai River, such as Deep Creek, and the Ninilchik and Anchor Rivers.

A centrally located permitting and fish habitat restoration center will be established in the Matanuska-Susitna Borough (MSB), the fastest growing area in the state. This area's fish-bearing waters support about 300,000 angler-days per year, which constitutes about 14 to 16 percent of the state's sport fishing effort and is second only to effort on the Kenai Peninsula. It has been difficult for ADF&G to effectively serve residents and protect the fish habitat resources of the 17-million-acre MSB from the regional office located in Anchorage. A Mat-Su Center will provide MSB residents greater accessibility to ADF&G's services and support and enhance our fish habitat protection effectiveness in the Mat-Su Valley. The Center will provide private and public landowners and land managers with permitting coordination for their projects, identify other permit requirements, and provide information necessary to streamline the regulatory process as much as practicable.

An urgent need exists to improve and extend the design and development of databases to capture habitat-related data for all regions and consolidate it into a cohesive statewide framework. The goal is to establish an effective base for eventual dissemination of information for staff, management, and stakeholder use. The division will continue to seek and apply for funding sources that could provide this critical form of support to its programs.

### Summary of Component Budget Changes

#### From FY2002 Authorized to FY2003 Governor

*All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2002 Authorized</b>	<b>1,950.7</b>	<b>380.1</b>	<b>2,998.0</b>	<b>5,328.8</b>
<b>Adjustments which will continue current level of service:</b>				
-Year 3 Labor Costs - Net Change from FY 2002	25.7	7.0	48.1	80.8
<b>Proposed budget increases:</b>				
-Oil Safety and Development Initiative Request	222.6	0.0	0.0	222.6
-Increase General Funds to Establish a Matanuska-Susitna Permitting and Habitat Restoration Center	202.5	0.0	0.0	202.5
-Increase General Funds for Permit	100.0	0.0	0.0	100.0

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
Application Review on the Kenai South Peninsula				
<b>FY2003 Governor</b>	<b>2,501.5</b>	<b>387.1</b>	<b>3,046.1</b>	<b>5,934.7</b>



## Habitat

## Personal Services Information

	Authorized Positions		Personal Services Costs	
	<u>FY2002</u> <u>Authorized</u>	<u>FY2003</u> <u>Governor</u>		
Full-time	47	53	Annual Salaries	3,234,271
Part-time	12	12	COLA	74,156
Nonpermanent	6	6	Premium Pay	14,983
			Annual Benefits	1,187,179
			<i>Less 5.56% Vacancy Factor</i>	(250,989)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>65</b>	<b>71</b>	<b>Total Personal Services</b>	<b>4,259,600</b>

## Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Tech II	0	0	1	0	1
Administrative Assistant	1	1	2	0	4
Administrative Clerk II	3	0	1	3	7
Administrative Clerk III	1	0	0	0	1
Administrative Manager I	1	0	0	0	1
Administrative Manager II	0	0	1	0	1
Analyst/Programmer IV	1	0	0	0	1
Cartographer II	2	0	0	0	2
College Intern I	0	1	1	0	2
Dep Dir Fish & Game	0	0	1	0	1
Division Director	0	0	1	0	1
F&G Regional Spvr	1	1	1	0	3
F&W Technician II	0	0	0	1	1
F&W Technician III	0	1	0	0	1
F&W Technician IV	2	0	2	0	4
Graduate Intern I	0	1	0	0	1
Habitat Biologist I	2	0	1	0	3
Habitat Biologist II	7	3	2	1	13
Habitat Biologist III	10	3	2	4	19
Habitat Biologist IV	1	2	1	0	4
<b>Totals</b>	<b>32</b>	<b>13</b>	<b>17</b>	<b>9</b>	<b>71</b>