

# **State of Alaska FY2009 Governor's Operating Budget**

## **Department of Natural Resources Office of Habitat Management and Permitting Component Budget Summary**

**Component: Office of Habitat Management and Permitting**

**Contribution to Department's Mission**

The mission of the Habitat component is to protect Alaska's valuable fish and wildlife resources and their habitats as Alaska's population and economy continue to expand.

**Core Services**

- Review applications and issue permits for activities in anadromous waterbodies and fish-bearing waters (Title 41); provide expertise to protect important fish and wildlife habitat; monitor authorized projects.
- Review proposed timber harvest activities; conduct field inspections; work cooperatively with timber operators and other governmental agencies.
- Maintain and revise the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes.
- Review development projects (e.g., oil and gas, hard-rock mining, hydropower, roads) authorized under other agencies' authorities.
- Conduct research on ways to minimize impacts of development projects on fish and wildlife resources.

End Result	Strategies to Achieve End Result
<p><b>A: Protect Alaska's valuable fish and wildlife resources and their habitats during resource development activities.</b></p> <p><u>Target #1:</u> 100% of resource developers meet agency requirements for protection of fish, wildlife, and their habitats.</p> <p><u>Measure #1:</u> Percentage of developers in compliance with their approved permit.</p>	<p><b>A1: Enhance our Title 41 review process by adding appropriate conditions to protect resources, reviewing projects in a timely manner, and monitoring, as needed.</b></p> <p><u>Target #1:</u> 100% of Fish Habitat (Title 41) permit applications are approved as is or modified with appropriate conditions to protect resources.</p> <p><u>Measure #1:</u> Percentage of Fish Habitat (Title 41) permits approved as is or modified with appropriate conditions.</p> <p><u>Target #2:</u> 10-day average permit review timeframe.</p> <p><u>Measure #2:</u> Average number of days to complete Fish Habitat (Title 41) permit reviews.</p> <p><b>A2: Enhance our participation in project reviews coordinated by other agencies by adding conditions to protect important habitat and by reviewing projects in a timely manner.</b></p> <p><u>Target #1:</u> 92.8% of coordinated reviews include appropriate conditions to protect important habitat.</p> <p><u>Measure #1:</u> Percentage of coordinated reviews where appropriate conditions are included to protect important habitat.</p> <p><u>Target #2:</u> 11.9-day average review timeframe.</p> <p><u>Measure #2:</u> Average number of days to complete reviews for projects in a coordinated review process.</p>

**Major Activities to Advance Strategies**

- Maintain a web site that includes information on the Anadromous Waters Catalog and how to apply for Fish Habitat Permits
- Develop simple technical guidelines & design criteria for applicants to use to complete and submit permit applications or prepare site rehab plans
- Conduct field research for select projects which can be used as models to develop policies/criteria for mitigation impacts to fish/wildlife resources
- Actively work with project applicants to identify issues, requirements and solutions prior to submittal of permit application packages
- Provide advance identification of fish habitat and stream cataloging in areas where projects are likely to occur
- Actively participate on the state's large project teams for hard rock mines, oil and gas development, and major new road projects
- For specific projects (oil and gas development, hard-rock mines, etc.) issue Fish Habitat Permits that do not expire until use & rehab are complete.
- Issue General Permits (GPs) for certain activities such as vehicle crossings of anadromous fish streams, boat launches, etc.
- Extensively use "general concurrences" in the coastal zone as a tool to decrease permit issuance time for most permit actions
- Maintain an automated permit tracking system, which allows staff to ensure timely responses
- Review and comment on authorizations issued by other resource agencies to ensure that fish and wildlife needs are addressed, as required by law
- Issue over-the-counter recreational placer mining permits for recreational mining using hand tools and small suction dredges

**FY2009 Resources Allocated to Achieve Results**

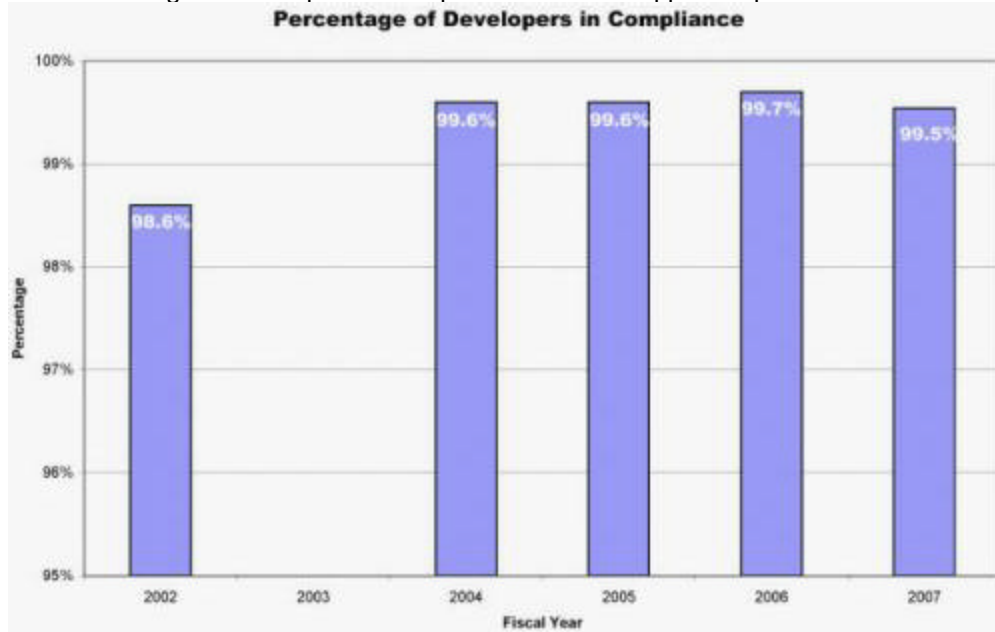
<b>FY2009 Component Budget: \$3,978,100</b>	<b>Personnel:</b>	
	Full time	37
	Part time	1
	<b>Total</b>	<b>38</b>

**Performance Measure Detail**

**A: Result - Protect Alaska's valuable fish and wildlife resources and their habitats during resource development activities.**

**Target #1:** 100% of resource developers meet agency requirements for protection of fish, wildlife, and their habitats.

**Measure #1:** Percentage of developers in compliance with their approved permit.



**# of Title 41 permit applications reviews**

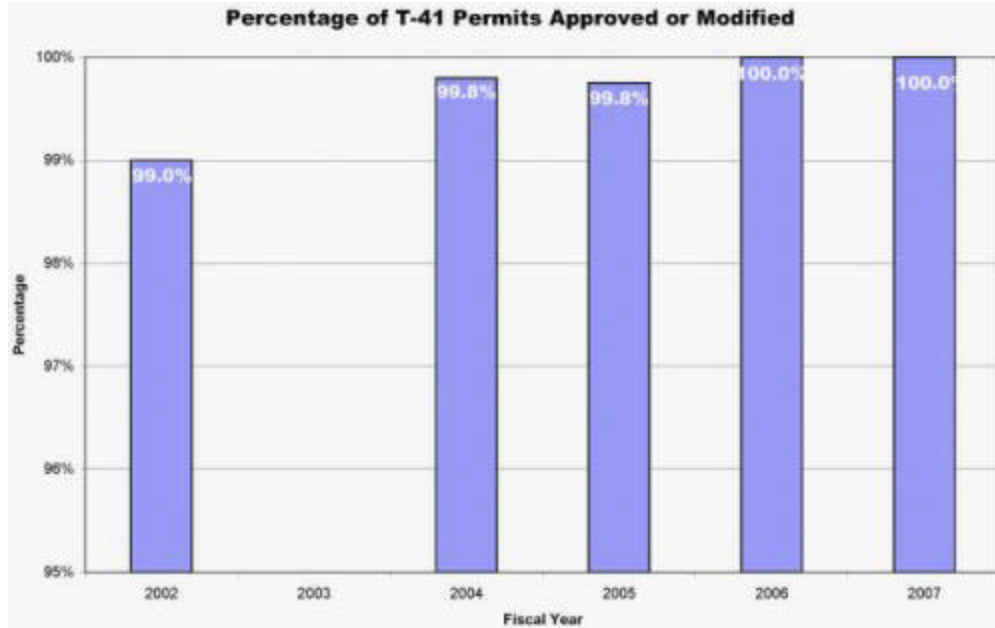
Year	YTD
FY 2004	1,597
FY 2005	2,397
FY 2006	2,648
FY 2007	2,595

**Analysis of results and challenges:** In FY 07, 99.54% of all developers were in compliance with Fish Habitat permits (Title 41). The above percentage reflects projects where permits have been successfully issued and the developer is in compliance with their approved permit conditions. This percentage is an indication of our success in protecting fish, wildlife, and their habitats, while allowing approvable development activities to proceed. Data are not available for FY 2003, the year the Office of Habitat Management and Permitting (OHMP) moved to the Department of Natural Resources (DNR). Further, the number of Title 41 permit applications has remained high for 3 years. Trend-wise, this data indicates that OHMP continues to consistently achieve a high level of habitat protection simultaneous with increased permit activity.

**A1: Strategy - Enhance our Title 41 review process by adding appropriate conditions to protect resources, reviewing projects in a timely manner, and monitoring, as needed.**

**Target #1:** 100% of Fish Habitat (Title 41) permit applications are approved as is or modified with appropriate conditions to protect resources.

**Measure #1:** Percentage of Fish Habitat (Title 41) permits approved as is or modified with appropriate conditions.



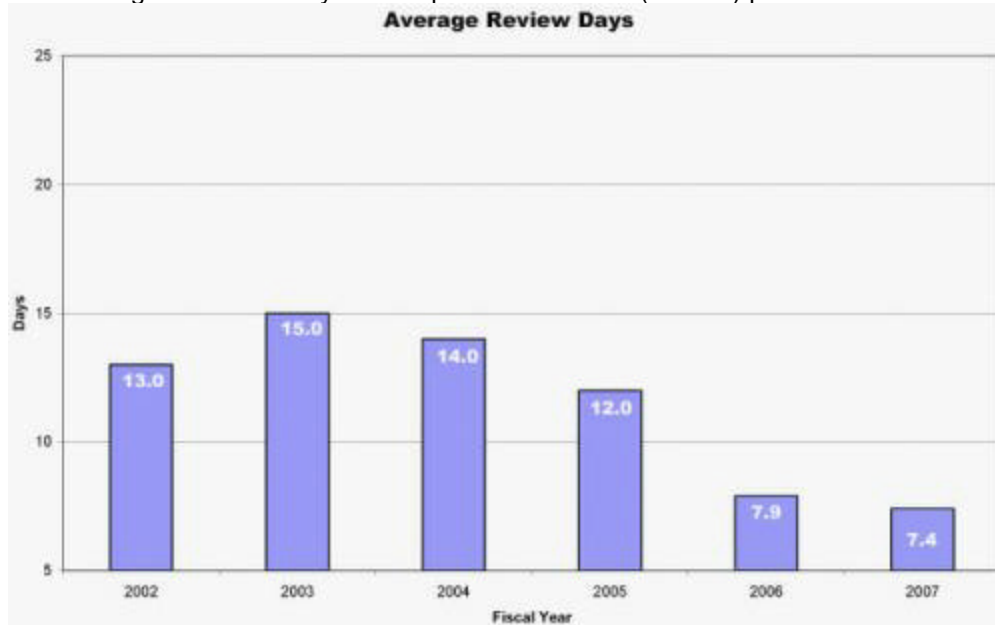
**Percentage of T-41 Permits Approved or Modified**

Year	YTD
FY 2004	99.8
FY 2005	99.8
FY 2006	100
FY 2007	100

**Analysis of results and challenges:** The Office of Habitat Management and Permitting's (OHMP) top priority is the review of Fish Habitat (Title 41) permit applications. 100% of Fish Habitat permits applications are approved as is, or modified with appropriate conditions to protect resources. This measure is an indication of the quality of our review. In spite of an 18% cut in staff and an 11% cut in budget in FY 04, OHMP continues to achieve high level results. Typically less than 1% of permits are denied or withdrawn, which means that OHMP is successful in reviewing and authorizing appropriate development activities while simultaneously protecting fish and fish habitat. Data are not available for FY 2003, the year that OHMP moved to the Department of Natural Resources (DNR). Trend-wise, this data indicates that OHMP consistently is able to approve permits while protecting the natural resources we manage.

**Target #2:** 10-day average permit review timeframe.

**Measure #2:** Average number of days to complete Fish Habitat (Title 41) permit reviews.



**Average number of days to complete Title 41 permit reviews.**

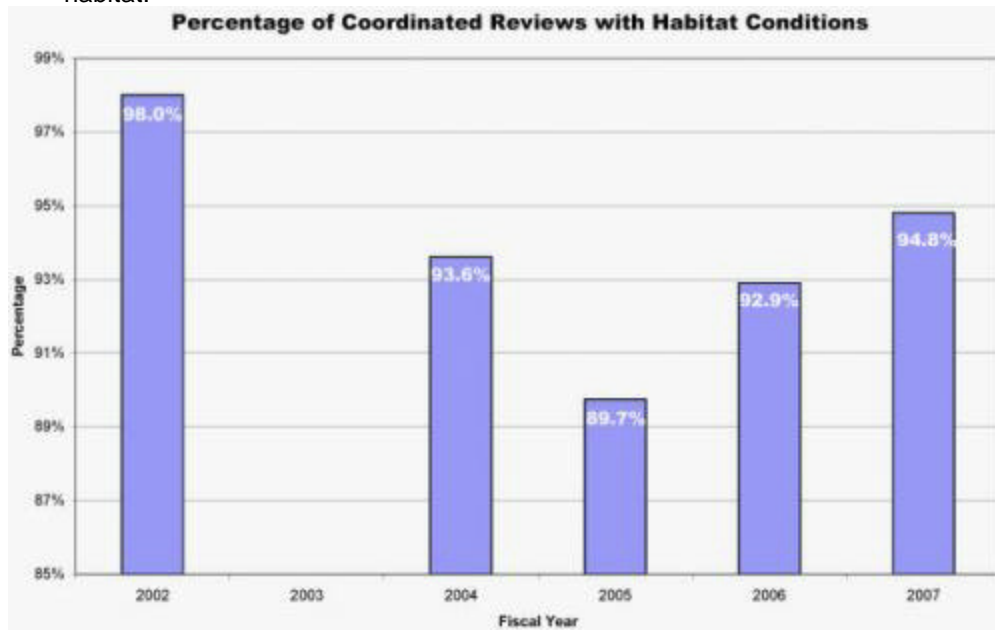
Year	YTD
2002	13.0
2003	15.0
2004	14.0
2005	12.0
2006	7.9
2007	7.4

**Analysis of results and challenges:** The Office of Habitat Management and Permitting (OHMP) quickly processes permit applications and our application review timeframe continues to decrease. This measure is an indicator of the timeliness of our reviews. Trend-wise, in spite of an 18% cut in staff and an 11% cut in budget in FY 04, OHMP continues to improve on this timeline, with an FY 07 average of just 7.4 days. This means that our permits are timely issued and appropriate development activities are not held up. Further, the number of T41 applications has remained high for 3 years. For FY 08, we have kept our target average permit review timeframe at 10 days (slightly less than the 4-year performance average).

**A2: Strategy - Enhance our participation in project reviews coordinated by other agencies by adding conditions to protect important habitat and by reviewing projects in a timely manner.**

**Target #1:** 92.8% of coordinated reviews include appropriate conditions to protect important habitat.

**Measure #1:** Percentage of coordinated reviews where appropriate conditions are included to protect important habitat.

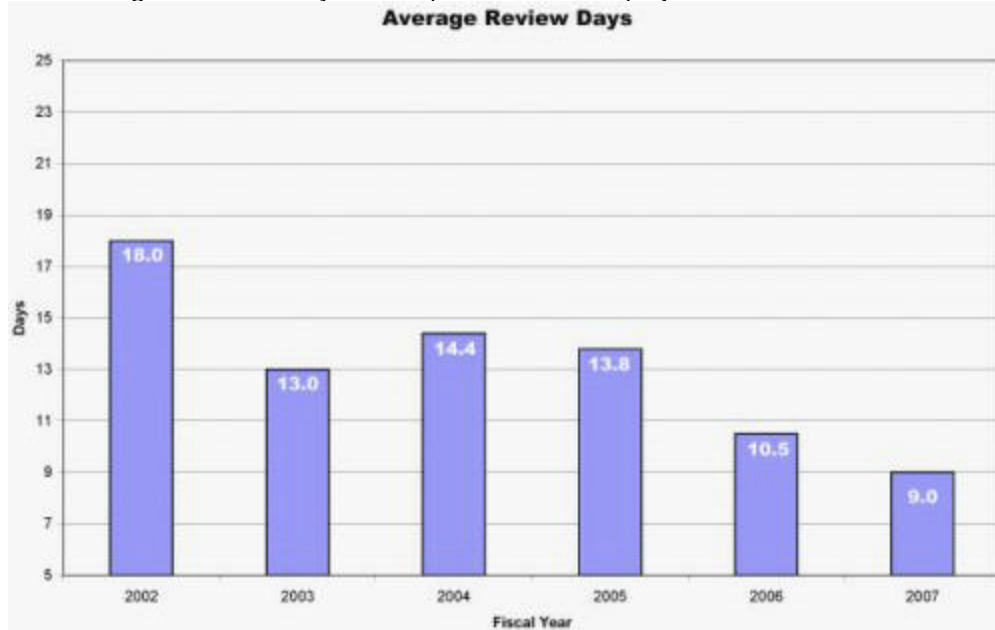


Year	YTD
2004	93.6
2005	89.7
2006	92.9
2007	94.8

**Analysis of results and challenges:** The Office of Habitat Management and Permitting (OHMP) also participates in the coordinated review of other proposed resource development activities, and adds appropriate conditions to protect habitat. In spite of an 18% cut in staff and an 11% cut in budget in FY 04, OHMP continues to exceed our targets; FY 07's result was 94.8%. This means that appropriate development activities are authorized to proceed while habitat is protected. For FY 08, we are revising our target to 92.8% (the previous 4-year average); data are not available for FY 03, the year the Office moved to the Department of Natural Resources) to ensure continued participation at a very high level.

**Target #2:** 11.9-day average review timeframe.

**Measure #2:** Average number of days to complete reviews for projects in a coordinated review process.



**Average number of days to complete reviews for projects in a coordinated review process.**

Year	YTD
2002	18.0
2003	13.0
2004	14.4
2005	13.8
2006	10.5
2007	9.0

**Analysis of results and challenges:** The Office Habitat Management and Permitting (OHMP) quickly reviews projects in a multi-agency, coordinated review process, and our review timelines are decreasing. In spite of an 18% cut in staff and an 11% cut in budget in FY 04, OHMP continues to improve on our review timelines. The FY 07 average review time for this activity was 9.0 days. This statistic means that permits are timely issued and conditioned, and that appropriate development is not held up. Further, the number of projects reviewed continues to increase. For FY 05, 06, and 07 the numbers were 831, 1048, and 1103 respectively. For FY 08, we are revising our target to 11.9 days (the previous 4-year performance average).

### Key Component Challenges

The Office of Habitat Management and Permitting's (OHMP) key component challenge is to ensure adequate budget and appropriately trained staff to fulfill our core services. Specifically, in FY 09, OHMP needs to replace \$65.0K in Section 319 federal funds with State GF to support Forest Practices work, one of our core services. Also, over 34% of OHMP's current staff are eligible to retire within the next 4 years. As such, another challenge is to recruit and retain new staff, while providing enough overlap with experienced, long-tenured staff, to ensure a comparable level of expertise to fulfill our core services.

### Significant Changes in Results to be Delivered in FY2009

Continue to develop more efficient means of ensuring the efficient passage of fish through the use of General Permits (GPs), stream simulation, and design criteria and specifications. Ensure that OHMP's seven Area Offices are fully-functional and develop consistency in project reviews among diverse geographic areas of the state.



## Major Component Accomplishments in 2007

- Completed two regulatory updates of the Anadromous Waters Catalog. The Catalog identifies and provides information to applicants regarding the need for a Title 41.14.870 permit from OHMP.
- Continued to update and revise “Draft Working Guidelines”, which provide direction to ensure consistent permitting decisions by OHMP’s seven Area Offices.
- Continued focused work with the timber industry regarding OHMP’s Title 41.14.840 statutory authority to ensure efficient and reasonable permitting. Co-convened a Scientific Advisory Work Group with the Division of Forestry to analyze scientific knowledge regarding fish passage, and to identify areas of flexibility. Continued to use a general permit for specific stream types to authorize crossing structures for timber harvest activities.
- Worked on a number of Large Mine Projects, including Fort Knox reclamation monitoring and heap leach permitting; Donlin Creek baseline studies and permitting; Kensington construction oversight; Galore Creek project review; Pebble Gold Copper baseline studies review; Red Dog road management issues, annual inspection and monitoring; Greens Creek monitoring and operations; and Rock Creek permitting.
- Worked on a number of other large projects, including the department of transportation and Public Facilities Roads to Resources (Bullen Point), and oil and gas projects, including BP Liberty Development Project.
- Shifted biologist positions among the seven Area Offices to provide enhanced services to the public and respond to shifting permit activity.
- Conducted applied field research to support permitting, monitoring/compliance, and closure of major resource development projects, including fisheries research for North Slope oil and gas projects and aquatic biomonitoring for Greens Creek, Fort Knox, and Red Dog Mines. Utilized a \$50.0K increment to support research projects for other activities, including Forest Resources and Practices Act (FRPA) effectiveness monitoring in the Mat-Su, fish habitat studies in Campbell Creek, and a blasting research project with the U.S. Forest Service (USFS) on the Duffield Peninsula, among others.

## Statutory and Regulatory Authority

AS 41.14.840-900	Fish Passage and Fish Habitat
11 AAC 195	Anadromous Waters Catalog
AS 41.17	Alaska Forest Resources and Practices Act
11 AAC 95	Alaska Forest Resources and Practices

### Contact Information

**Contact:** Kerry Howard, OHMP Executive Director  
**Phone:** (907) 465-3176  
**Fax:** (907) 465-4759  
**E-mail:** kerry.howard@alaska.gov

**Office of Habitat Management and Permitting  
Component Financial Summary**

*All dollars shown in thousands*

	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	2,888.4	3,038.8	3,180.9
72000 Travel	106.1	138.4	138.4
73000 Services	369.8	541.1	543.0
74000 Commodities	72.0	115.8	115.8
75000 Capital Outlay	29.9	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>3,466.2</b>	<b>3,834.1</b>	<b>3,978.1</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	2,649.3	2,722.8	2,924.1
1007 Inter-Agency Receipts	496.5	648.5	583.5
1061 Capital Improvement Project Receipts	121.8	212.9	212.9
1108 Statutory Designated Program Receipts	198.6	249.9	257.6
<b>Funding Totals</b>	<b>3,466.2</b>	<b>3,834.1</b>	<b>3,978.1</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	496.5	648.5	583.5
Statutory Designated Program Receipts	51063	198.6	249.9	257.6
Capital Improvement Project Receipts	51200	121.8	212.9	212.9
<b>Restricted Total</b>		<b>816.9</b>	<b>1,111.3</b>	<b>1,054.0</b>
<b>Total Estimated Revenues</b>		<b>816.9</b>	<b>1,111.3</b>	<b>1,054.0</b>

**Summary of Component Budget Changes  
From FY2008 Management Plan to FY2009 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2008 Management Plan</b>	<b>2,722.8</b>	<b>0.0</b>	<b>1,111.3</b>	<b>3,834.1</b>
<b>Adjustments which will continue current level of service:</b>				
-Correct Unrealizable Fund Sources for Salary Adjustments: GGU	40.2	0.0	-40.2	0.0
-ETS Chargeback Redistribution	1.9	0.0	0.0	1.9
-Replace loss of Forest Resources and Practices Act (Interagency) funds with General Funds	65.0	0.0	-65.0	0.0
-FY 09 Health Insurance Increases for Exempt Employees	0.3	0.0	0.1	0.4
-FY 09 Bargaining Unit Contract Terms: General Government Unit	93.9	0.0	47.8	141.7
<b>FY2009 Governor</b>	<b>2,924.1</b>	<b>0.0</b>	<b>1,054.0</b>	<b>3,978.1</b>

**Office of Habitat Management and Permitting  
Personal Services Information**

<b>Authorized Positions</b>		<b>Personal Services Costs</b>		
	<u>FY2008</u> <u>Management</u> <u>Plan</u>	<u>FY2009</u> <u>Governor</u>		
Full-time	37	37	Annual Salaries	2,001,827
Part-time	1	1	COLA	129,430
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	1,105,029
			<i>Less 1.71% Vacancy Factor</i>	<i>(55,386)</i>
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>38</b>	<b>38</b>	<b>Total Personal Services</b>	<b>3,180,900</b>

**Position Classification Summary**

<b>Job Class Title</b>	<b>Anchorage</b>	<b>Fairbanks</b>	<b>Juneau</b>	<b>Others</b>	<b>Total</b>
Administrative Assistant	0	0	1	0	1
Administrative Assistant II	1	0	0	0	1
Administrative Clerk II	1	0	0	0	1
Administrative Clerk III	0	1	0	3	4
Administrative Manager I	0	1	0	0	1
Administrative Manager II	0	0	1	0	1
Division Director	0	0	1	0	1
Habitat Biologist II	3	1	2	1	7
Habitat Biologist III	3	5	2	6	16
Habitat Biologist IV	2	1	1	0	4
Operations Manager	0	1	0	0	1
<b>Totals</b>	<b>10</b>	<b>10</b>	<b>8</b>	<b>10</b>	<b>38</b>