

MEMORANDUM

State of Alaska

TO: Frank Van Hulle
Regional Supervisor
Division of Sport Fish
Juneau

FROM: Art Schmidt *AS*
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Department of Fish and Game
Sitka

DATE: May 30, 1986

FILE NO:

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SUBJECT: Redoubt Smolt
Operation 1986

The smolt net barrier and trap across the outlet area of Redoubt Lake has caused problems with normal fish migrations this spring. During the week of May 19 Dave Barto reported four steelhead below the barrier net. These were obviously mature fish trying to get upstream to spawn. No provision exists in the net for upstream migrants.

The fish collection trap and barrier net were placed in a location which has very minimal flow so fish are not attracted to the holding pen. Coho and sockeye can enter and leave the trap at will. The crew working the system reported large schools of fish "like schools of herring" above the barrier net on May 30. These fish have been present for some time.

It is obvious to me that the poor design of this system is holding smolt in the lake past their normal emigration date. The smolt emigration at Salmon Lake was nearly over by May 24.

A meeting was held on Friday morning May 30 with Bob DeJong and Dave Barto concerning this problem. A decision was made to remove the net from one end of the barrier so the smolt have free egress on May 30.

Dave will then collect the needed samples from the fyke boxes at the outlet falls.

If smolt enumeration is to be done in future years, a better system will have to be designed. The design will need to provide upstream passage of adult steelhead and downstream passage for out-migrant smolt and overwintering Dolly Varden.

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MAY 30 1986

**SPORT FISH DIV.
REGION I**

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art I ch 94 SLA 1959)

Sec. 16.05.870. Protection of fish and game. (a) The commissioner shall, in accordance with the Administrative Procedure Act (AS 44.62), specify the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish.

(b) If a person or governmental agency desires to construct a hydraulic project, or use, divert, obstruct, pollute, or change the natural flow or bed of a specified river, lake, or stream, or to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed of a specified river, lake, or stream, the person or governmental agency shall notify the commissioner of this intention before the beginning of the construction or use.

(c) The commissioner shall acknowledge receiving the notice by return first class mail. If the commissioner determines that the following information is required, the letter of acknowledgement shall require the person or governmental agency to submit to the commissioner:

- (1) full plans and specifications of the proposed construction or work;
- (2) complete plans and specifications for the proper protection of fish and game in connection with the construction or work, or in connection with the use; and
- (3) the approximate date the construction, work, or use will begin.

(d) The commissioner shall approve the proposed construction, work, or use in writing unless the commissioner finds the plans and specifications insufficient for the proper protection of fish and game. Upon a finding that the plans and specifications are insufficient for the proper protection of fish and game, the commissioner shall notify the person or governmental agency which submitted the plans and specifications of that finding by first class mail. The person or governmental agency may, within 90 days of receiving the notice, initiate a hearing under AS 44.62.370. The hearing is subject to AS 44.62.330 — 44.62.630. (§ 31 art I ch 94 SLA 1959; am § 1 ch 180 SLA 1960; am § 1 ch 132 SLA 1962; am § 1 ch 89 SLA 1966; am §§ 1, 2 ch 84 SLA 1980)

Revisor's notes. — Former subsection (c) of this section was redrafted and reorganized into present subsections (c) and (d) in 1983.

Effect of amendments. — The 1980 amendment inserted a comma between "(AS 44.62.010 — 44.62.650)," and "specify" near the beginning of subsection (a), inserted "rearing" following "the spawning" near the end of subsection (a), and deleted the former remaining provisions of subsection (a), which read: "Before December 31, 1968, the specification may be made by designating areas within which all rivers, lakes, and streams are considered important for the spawning or migration of anadromous fish; provided, that the areas lie within 50 miles of the coastline extending from Dixon Entrance through False Pass to Cape Menshikof, including all islands east of False Pass. A person giving notice under (b) of this section before December 31, 1968, may, if the activity is to take place within such a designated area, request the

to specify individually by name or number, the particular rivers, lakes, and streams or parts of them within the area of operations described in the notice which are important for the spawning and migration of anadromous fish. Upon receipt of the request the commissioner shall promptly make the designation," substituted "first class" for "air" preceding "mail" at the end of the first sentence of subsection (c), substituted the last four sentences in subsection (c) [which were rewritten and redesignated as subsection (d) in 1983 by the revisor] for the former material which followed "work or use will begin" at the end of the former second sentence, and which read: "and shall require the person or governmental agency to obtain written approval from him as to the sufficiency of the plans or specifications before the proposed construction or use is begun."

Editor's notes. — Section 11, ch. 84, SLA 1980 provides: "A specification made under AS 16.05.870(a) before June 19

Alt,

Generally we do not require Title 16 permits for Department activities, but sometimes we do.

I strongly agree with you on this. The study design should take into consideration the timely passage of all fish.

You and Bob should work this out with the project leader. If this doesn't seem to lead to a complete solution talk to Dave Heady.

Make sure that a solution is worked out by early winter. If the problem will exist again in 1987 they (FRED) will have all winter to secure the Title 16 permit


6/4/86