

PROPOSAL XXX - 5 AAC 39.XXX

The Board of Fish developed the Sustainable Salmon Policy to “ensure conservation of salmon and salmon’s required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska’s fishing communities.” 5 AAC 39.222(b). This policy specifically identifies the importance of conserving fish habitat to maintain healthy salmon populations and recognizes that habitat related permitting decisions may impact the sustainability of the state’s strong salmon fisheries.

Elements of this body’s Sustainable Salmon Policy should be incorporated into Title 16 and applied to ADF&G permitting decisions. We propose that the Board of Fish recommends that the Alaska Legislature amend Title 16 to require the Alaska Department of Fish and Game to comply with the principles and criteria in the Board of Fish’s Sustainable Salmon Policy whenever it issues a Fish Habitat Permit pursuant to AS 16.05.871.

What is the issue you would like the board to address and why? Cook Inlet includes both the most populated and heavily developed watersheds in Alaska as well as some of the state’s largest intact salmon producing fresh water systems. As the Board of Fish Policy for the Management of Sustainable Salmon Fisheries has recognized, “in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices" 5 AAC 39.222(a)(1).

But the habitat of Cook Inlet faces combined impacts that require clearer regulation criteria to ensure continued access for Alaskans to Cook Inlet fisheries. As the state’s economic hub, Cook Inlet drainages are subject to a variety of impacts to salmon habitat stemming from urbanization, non-renewable resource extraction and climate change. Operating under the precautionary principle, when specific criteria are guaranteed and planned for, development authorization should be encouraged, predictable, fair, simple, and reviewable.

Currently, Alaska’s fish habitat permitting process (AS 16.05.871) lacks criteria necessary to determine whether permitting decisions will adequately protect salmon populations and related fish habitat from these threats in Cook Inlet. By law, an activity that will “use, divert, obstruct, or change the natural flow or bed of a specified river, lake or stream” requires a Fish Habitat Permit. AS 16.05.871(a). The Commissioner of the Department of Fish and Game is directed to issue the permit unless the plans for the proposed construction work are “insufficient for the proper protection of fish and game.” AS 16.05.871(a). The problem is: neither the law nor regulation defines what is sufficient for the proper protection of fish and game and no review criteria exists to ensure that permitting decisions will protect resident and anadromous fish species and related fish-dependent habitat processes. We propose that the Board of Fish address this problem.

PROPOSED BY: Submitted by Lindsay Bloom on behalf of Marc Lamoreaux, PhD, Joel Cooper, Benjamin Jackinsky, Rob Ernst, Willow King, Heidi Wild, Mike Wood, Israel Mahay, Steve Harrison Jr., Dave Atcheson, Bruce King, Dave Athons (HQ-F16-084)
