

**NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF FISH AND GAME**

BRIEF DESCRIPTION

The Alaska Department of Fish and Game proposes changes to regulations related to the Anadromous Waters Catalog and Atlas, which is a listing of waterbodies statewide that are known to be important for the spawning, rearing, or migration of anadromous fish.

The Alaska Department of Fish and Game (ADF&G) proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with waters important for the spawning, rearing, or migration of anadromous fish, including the following:

5 AAC 95.011 is proposed to be changed as follows:

The *Atlas to the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes* and *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes* (Atlas and Catalog), which are adopted by reference in 5 AAC 95.011, will be revised and updated.

Alaska Statute 16.05.871 requires, among other actions, that the Commissioner of the ADF&G "specify" the rivers, lakes and streams or portions of them that are important for the spawning, rearing or migration of anadromous fish. The Commissioner must review plans and specifications of any proposed work or use occurring within a specified anadromous river, lake, or stream. If the Commissioner determines that the plans and specifications provide for the proper protection of fish and game the project will be approved and a Fish Habitat Permit will be issued by the ADF&G, Division of Habitat. The Catalog and Atlas identify and list these anadromous waters and are used by the Commissioner to determine whether such a permit is required for any particular project.

Several revisions are proposed to be made to the Atlas and Catalog. The list of rivers, lakes, and streams will be updated, including additions, deletions, and changes to the legal descriptions of many of these waters. Minor revisions will be made to the introduction of the Catalog and Atlas, including updates to the Definitions. Species-specific information will be used in place of undifferentiated species information wherever possible.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Michael Daigneault, Alaska Department of Fish and Game, 333 Raspberry Rd. Suite 2068, Anchorage, Alaska 99518 or by e-mail to michael.daigneault@alaska.gov. The comments must be received no later than 5:00 p.m., April 8, 2013.

The proposed changes for all six regions of Alaska (Southeastern, Southcentral, Southwestern, Western, Arctic, and Interior) are available for inspection and copying at: the ADF&G offices in Anchorage at 333 Raspberry Rd., in Fairbanks at 1300 College Rd., and in Douglas at 802 3rd St.; the Alaska Resources Library in Anchorage; and the State Library in Juneau. The ADF&G offices in Craig, Palmer, Bethel, Cordova, Delta Junction, Dillingham, Dutch Harbor, Glennallen, Haines, Homer, Ketchikan, King Salmon, Kodiak, Sand Point, Nome, Sitka, Soldotna, Tok, Wrangell, and Yakutat have copies of the proposed changes for their local region.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Michael Daigneault at (907) 267-2172 no later than March 29, 2013 to ensure that any necessary accommodations can be provided. Electronic equivalents of the review documents and the atlas maps are also available through the ADF&G website at: <http://awc.adfg.alaska.gov>

After the public comment period has ended, the ADF&G will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 16.05.020 and AS 16.05.871

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.871

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date: February 24, 2013


Cora Campbell, Commissioner
Alaska Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: Revisions to 5 AAC 95 and the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes and its associated atlas.
3. Citation of regulation: 5 AAC 95.011.
4. Reason for the proposed action: compliance with existing state statutes in AS 16.05.871
5. RDU/component affected: Division of Habitat
6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY <u>2013</u>	Years
Operating Cost	\$ <u>19.2</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
Federal receipts	\$ <u>0</u>	\$ <u>0</u>
General fund	\$ <u>19.2</u>	\$ <u>0</u>
Other funds (specify)	\$ <u>0</u>	\$ <u>0</u>

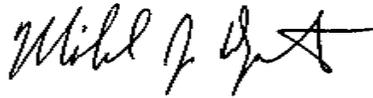
7. The name of the contact person for the regulations:

Name: Michael Daigneault
Title: Fish and Game Program Coordinator
Address: Alaska Department of Fish and Game
333 Raspberry Rd., Suite 2068
Anchorage, AK 99518
Telephone: (907) 267-2172
E-mail address: michael.daigneault@alaska.gov

8. The origin of the proposed action: staff of state agency

9. Date: February 24, 2013

Prepared by:



Name (typed) Michael Daigneault
Title (typed) Fish and Game Program Coordinator
Telephone: (907) 267-2172