

Fish & Wildlife Habitat & Harvest

Goals

Maintain and Protect Publicly Owned Habitat Base. The state will maintain in public ownership and protect the habitat values of sufficient suitable lands and waters to provide for the habitat needs of fish and wildlife resources necessary to maintain or enhance public use and economic benefits.

Ensure Access to Public Lands and Waters. Ensure access to public lands and waters where appropriate to promote or enhance responsible public use and enjoyment of fish and wildlife resources. Access improvements should be designed to match the public use objectives for the area under consideration.

Mitigate Habitat Loss. When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat.

Contribute to Economic Diversity. Contribute to Alaska's economy by protecting the fish and wildlife resources that contribute directly or indirectly to local, regional, and state economies through commercial, subsistence, sport, and non-consumptive uses.

Support the Mixed Cash-Subsistence Economy. Recognize the subsistence economy in the planning area and adjacent communities, contribute to the stability of the mixed cash and subsistence economy in the region by providing opportunities for resource development that are in balance with and accommodate traditional uses and subsistence resources and uses.

Mitigate Adverse Effects to Subsistence Activities¹. Avoid or minimize interference with subsistence activities or traditional uses when authorizing land and water use activities.

Adhere to Land Use Requirements. All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish and wildlife, or their

¹ The allocation of fish and wildlife resources among competing users is managed through the Alaska Boards of Fisheries and Game, not by DNR. DNR manages state lands which support subsistence resources and uses. DNR also authorizes other land uses, and some of these uses may conflict with subsistence activities or traditional uses. DNR has the responsibility to manage state lands for multiple use and resolve or mitigate conflicts among competing beneficial uses including traditional uses and subsistence activities. (See: AS 38.04.015 and AS 38.05.830)

The State of Alaska, through the Boards of Fisheries and Game, manages subsistence resources on all lands and waters in Alaska, and the Federal Government, through the Federal Subsistence Board, is responsible for assuring a federal subsistence priority on federal public lands and waters. Both state and federal laws define subsistence as the “customary and traditional” use of wild resources for food, clothing, fuel, transportation, construction, art, crafts sharing, and customary trade.

Eligibility for subsistence uses differs in state and federal law. Under federal law, only rural residents qualify for subsistence hunting and fishing on federal public lands. Federal subsistence regulations further restrict eligibility only to those rural residents who have customary and traditional use of a particular fish stock or game population in a particular area. Some federal public lands remain open to use by residents who are not federally qualified subsistence users. Under current state law, all state residents qualify for subsistence fishing and hunting on state and private lands of those fish and wildlife populations where subsistence use occurs.

habitats.

Management Guidelines

A. Mitigation. When issuing permits and leases or otherwise authorizing the use or development of state lands, the Department of Natural Resources will recognize the requirements of the activity or development and the benefits it may have to habitat when determining stipulations or measures needed to protect fish and wildlife, or their habitats. When an authorization may result in significant adverse impacts to fish and wildlife or their habitats, DNR will consult with Alaska Department of Fish and Game (ADF&G). The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.

The department will enforce stipulations and measures, and will require the responsible party to remedy any significant damage to fish and wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease.

When determining appropriate stipulations and measures, the department will apply the following steps in order of priority. Mitigation requirements listed in other guidelines in this plan will also follow these steps.

1. Avoid anticipated, significant adverse effects on fish and wildlife, or their habitats through siting, timing, or other management options.
2. When significant adverse effects cannot be avoided by design, siting, timing, or other management options, the adverse effect of the use or development will be minimized.
3. If significant loss of fish or wildlife habitat occurs, the loss will be rectified, to the extent feasible and prudent, by repairing, rehabilitating, or restoring the affected area to a useful state.
4. DNR will consider requiring replacement with other areas with like resource values or enhancement of fish and wildlife habitat when steps 1 through 3 cannot avoid substantial and irreversible loss of habitat. ADF&G will clearly identify the species affected, the need for replacement or enhancement, and the suggested method for addressing the impact. Replacement with or enhancement of similar habitats of the affected species in the same region is preferable. DNR will consider only those replacement and enhancement techniques that have either been proven to be, or are likely to be, effective and that will result in a benefit to the species impacted by the development. Replacement or enhancement will only be required by DNR if it is determined to be in the best interest of the state either through the Best Interest Finding process AS 38.05.035(e) or permit review process. Replacement may include structural solutions, such as creating spawning or rearing ponds for salmon, creating wetlands for waterfowl; or non-structural measures, such as research or management of the species affected, legislative or administrative allocation of lands to a long-term level of habitat protection

that is sufficiently greater than that which they would otherwise receive, or fire management to increase habitat productivity.

- B. Habitat Enhancement.** Controlled burning, water control, timber management practices, or other measures may be used to improve habitat for certain fish and wildlife species where feasible and compatible with other designated primary uses.
- C. Structures in Fish Habitat.** Structures to be located in fishbearing waters will, to the extent feasible, be designed to minimize impacts on fish migration and other important life stages and activities, including spawning and rearing.
- D. Water Intake Structures.** When issuing appropriations for waters that provide fish habitat, DNR will require that practical water intake structures be installed that do not entrain or impinge upon fish. The most simple and cost-effective technology may be used to implement this guideline.

Where necessary to protect fish, water intake structures will be screened and intake velocities will be limited to prevent entrapment, entrainment, or injury to fish. The structures supporting intakes should be designed to prevent fish from being led into the intake. Other effective techniques may also be used to achieve the intent of this guideline. Screen size, water velocity, and intake design should be reviewed by ADF&G in an authorization request.

This guideline also applies to temporary water removal activities that do not require a DNR authorization.

- E. Threatened and Endangered Species.** All land use activities should be conducted consistent with the federal Endangered Species Act and the state endangered species statutes (AS 16.20.180--210) to avoid jeopardizing the existence of threatened or endangered species of fish or wildlife or their use of an area, and to avoid modification or destruction of their habitat.

U.S. Fish and Wildlife Service

No species listed as threatened or endangered, or as candidates for such listing, by the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service are known to occur in the Upper Yukon planning area.

Although peregrine falcons are no longer listed under the federal Endangered Species Act, the USFWS encourages the continued conservation of these species by applying protection measures during the nesting period. The recommended protection measures, as well as technical advice on conducting activities near peregrine falcon nest sites, can be obtained from the Fairbanks Ecological Services office of the USFWS. Activities that may disturb nesting peregrines are low-flying aircraft, other noisy activities, ground level activities, and construction near nest sites during critical nesting times. In addition, activities that could have negative impacts throughout the year (not only during nesting periods) include habitat alterations, construction of permanent facilities, and pesticide use.

State of Alaska

No species listed as endangered by the State of Alaska are known to occur in the Upper Yukon planning area. The State of Alaska Species of Special Concern list (maintained by the Commissioner of ADF&G) contains six species that occur within the Upper Yukon planning area: Arctic peregrine falcon (*Falco peregrinus tundrius*), American peregrine falcon (*Falco peregrinus anatum*), Olive-sided flycatcher (*Contopus cooperi*), Gray-cheeked thrush (*Catharus minimus*), Townsend's warbler (*Dendroica townsendi*), and Blackpoll warbler (*Dendroica striata*). Arctic peregrine falcons may occur in the Upper Yukon area, but only during migration. American peregrine falcons nest at a number of sites along the Yukon and Fortymile rivers and their tributaries.

- F. Eagles.** Activities that potentially affect bald and golden eagles will be consistent with the Bald Eagle Protection Act of 1940 as amended. For activities within ¼ mile of known bald or golden eagle nest sites, refer to the bald eagle land management practices for Alaska. Current guidelines and locations of nests, as well as technical advice on conducting activities near eagle nest sites, should be obtained from the Fairbanks Ecological Services office of the USFWS. The recommended practices are designed to prevent human disturbance to eagles, particularly during the nesting season. Specific activities that are likely to cause disturbance to eagles include major land uses such as logging, the development of new commercial and industrial sites, the building of new homes, mining, and road construction. During the critical nesting period, human activities such as human entry into the primary nesting zone (330 feet from the nest) and low-level aircraft operations may also cause disturbance to eagles.
- G. Trumpeter Swan Nesting Areas.** In trumpeter swan nesting areas, all land use activities that would disturb nesting swans or detrimentally alter the nesting habitat will be avoided to the extent feasible and prudent. Leases or permits may include seasonal restriction on activities to avoid disturbance to swans. Consultation with ADF&G should be used to identify current or potential nesting habitat and to determine guidelines to follow and activities to avoid. The standards of Guideline J, Activities in Important Waterfowl Habitat, also apply.
- H. Caribou Calving Areas.** The calving season distribution for the Fortymile caribou herd is located in Region 1, Middle Fork. Activities in this region should avoid or minimize conflicts with caribou calving. Only activities with minimal impact (i.e., mineral or land surveys conducted by a small ground based crew) should be authorized during the calving season in this region, which is generally during the month of May. Specific requirements apply to management units M-01 and M-02. Refer to the *Resource Allocation Summary table for Region 1* in Chapter 3.
- I. Dall Sheep.** A distinct population of Dall sheep is located in the Glacier Mountain area, inside management unit M-03. Activities in this management unit should avoid or minimize impacts to the Dall sheep in this area. Refer to the *Resource Allocation Summary table for Region 1* in Chapter 3.
- J. Activities in Important Waterfowl Habitat.** In important waterfowl habitat, activities requiring a permit, lease, or development plan, and producing high levels of acoustical or

visual disturbance from sources such as boat traffic, blasting, dredging, and seismic operations, will, to the extent feasible and prudent, be avoided during sensitive periods such as nesting, staging, or brood-rearing periods. Where it is not feasible and prudent to avoid such activities, other mitigative measures will be considered to attempt to avoid significant impacts. The Department of Fish and Game will be consulted for assistance in identifying areas of important waterfowl habitat.

- K. Dredge and Fill in Important Waterfowl Habitat.** Permits for dredging and filling in important waterfowl habitat, including permits for gravel extraction and construction of roads and pads, will not be granted unless it is determined that the proposed activity will not cause significant adverse impacts to important waterfowl or that no feasible and prudent alternative exists. Where dredging or filling does take place, other mitigative measures will be considered to attempt to avoid significant impacts.
- L. Alteration of the Riverine Hydrologic System.** To the extent feasible, channelization, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact on important riverine habitat will be avoided.
- M. Soil Erosion.** Soil erosion will be minimized by restricting soil disturbance along water bodies and by stabilizing disturbed soil as soon as possible.
- N. Conflicts with Traditional and Subsistence Uses of Fish and Game.** Authorizations by DNR will consider the effect on and minimize significant conflicts with traditional uses of fish and wildlife resources as described in AS 38.04.200 (b) (3), and subsistence uses of fish and wildlife resources. Significant conflicts will be avoided or minimized, when feasible and prudent, through project design, siting, timing, or other management options. When an authorization may result in significant adverse impacts to traditional or subsistence uses of fish and wildlife or their habitats, DNR will consult with ADF&G. The costs of mitigation relative to the benefits to be gained will be considered in the implementation of this policy.
- O. Mineral Licks.** There are several mineral licks in the planning area that are identified in the Leasehold Location Order in Appendix B. Mineral licks near Merry Christmas, Joseph, and Pittsburgh creeks are used annually by a high proportion of the Fortymile caribou herd during May. Access to these licks is of particular importance to pregnant cows. The Utah Creek mineral lick is used primarily by a small, disjunct Dall sheep population on Glacier Mountain. On a daily basis, up to 30% of that sheep population will use the lick during mid-May through June. Authorizations in the area of these licks will protect or mitigate impacts to the licks and access routes to the licks used by the wildlife. Development will minimize or avoid disturbance to the animals during May for the Merry Christmas, Joseph, and Pittsburgh Creek licks; and during May and June for the Utah Creek lick. There may be other, as yet unidentified, mineral licks within the planning area. Additional licks found in the future should be evaluated for appropriate levels of protection in future amendments to this plan. In addition to protection of the routes themselves, activities that may divert animals from the routes or otherwise affect usage patterns shall be avoided or mitigated.
- P. Other Guidelines Affecting Fish and Wildlife Habitat.** Other guidelines may affect the protection and management of fish and wildlife habitat. Sections in this chapter that should also be referred to include but are not limited to:

Forestry
Heritage Resources
Materials
Recreation and Tourism
Settlement
Stream Corridors, Shorelands and Instream Flow
Subsurface Resources
Trails and Public Access
Transportation
Trapping Cabins
Wetlands Management