

Habitat Manager's Meeting April 23, 2013

Summary

Budget: Habitat's 185K increment was approved for FY14. There will be some across the department budget cuts in FY14 that may affect our division. Moving monies among line items 200 to 500 can be done, but moving monies from or to Line 100 cannot be done without Office of Management and Budget approval.

Action: Al Ott was given the responsibility to compile a list of RSAs for projects coordinated by the Office of Project Management and Permitting. Completed and sent to OPMP on April 29, 2013.

Action: Al Ott was given the task of compiling a list of all other RSAs. Al will work with headquarters on this task.

Action: Department of Transportation and Public Facilities (DOT) RSAs to Habitat to provide input on projects. Not working well in Habitat's Anchorage and Palmer office. Mike Daigneault and Mike Bethe need to talk with their DOT contacts and work toward a solution and report progress back to Director and Operations Manager.

Trustees for Alaska Petition: A response to Trustees for Alaska was completed and copies have been provided to all Habitat offices.

841 Permits: We discussed the current policy to issue Fish Habitat Permits under AS 16.05.841 for water removal from fish bearing waterbodies, including lakes. AS 16.05.841 does not include lakes and therefore one could question that we do not have fish passage authority for lakes. In stream and river systems water removal could result in a blockage to fish and thus this seems to justify our current policy. Our policy on requiring permits for water removal from resident fish stream seems to be well accepted and was first implemented to address water removal from North Slope lakes. Habitat employees testified in the recent lawsuit filed by Nunamta on water use for the Pebble Prospect and presented information regarding our permitting of water use under AS 16.05.841.

Action: Randy Bates will discuss with Department of Law our current policy on issuing Fish Habitat Permits for water use under AS 16.05.841.

Special Areas: We discussed the current planning process for developing management plans for special areas. Dude Creek and Willow Mountain management plans currently are being reviewed internally. The Susitna Flats public planning process has just started. A key item discussed was the fact that we don't want our permit decisions in special areas predetermined by the management plan – we need to have options and not strict prohibitions.

Action: Randy Bates will work with the Anchorage office with input from the other Habitat offices to determine if changes are needed in the planning process, including what actually ends up in the management plan.

Attorney Client Privilege: Habitats input to other state and federal agencies or local governments, if pre-decisional, is privileged and confidential and should be so noted on the document. If you think the document is privileged and confidential, stamp it such (examples, habitat input on a Department of Natural Resources timber sale, an oil and gas exploration project, etc.). Ultimately, stamping the document privileged and confidential doesn't mean it might not be released at a later date.

Habitat's Fish Habitat and Special Area Permits are final decisions and therefore are available to the public. Generally, documents which include only factual data are public (e.g., Pebble trip report).

Action: Randy – There still remain a number of questions regarding certain types of documents and Randy will be pursuing answers to these items and will let us know the outcome.

Action: Habitat Regional Supervisors and Area Managers are responsible for determining when documents are privileged and confidential. If you have a question, please contact either the Operations Manager or the Director.

Small Scale Hydro Project CIP: The purpose of the CIP is to provide money for Habitat to conduct field work associated with operating small-scale hydro projects or to gather data on proposed new projects. It is not intended to add positions to the division but to supplement our funding and support field work and associated travel.