

# MEMORANDUM

# State of Alaska

TO: Richard Sims, Chairman  
Water Resources Board

DATE: March 11, 1980

FILE NO:

TELEPHONE NO:

*for* *Owl*  
FROM: Ronald O. Skoog, Commissioner  
Department of Fish and Game

SUBJECT: Trelease Report, 1977;  
Recommendations for Water  
Resources Planning and  
Administration

At your request I have reviewed the "Trelease Report." As you are aware, many of Mr. Trelease's recommendations pertain solely to internal matters of the Department of Natural Resources. I feel it most appropriate that they respond to those items. Those recommendations which are applicable to the Department of Fish and Game are considered below as they appear in the "Trelease Report."

## Recommendation #1

Mr. Trelease recommends that the Department of Natural Resources inaugurate a program of state water planning which would address several specified objectives. The concept of a state water plan has long been discussed by the state resource agencies. Mr. Trelease proposes a program in his report which would consist of systematic evaluation of state water resources, projection of water use demands, and the development of uniform policies for the procedural and substantive aspects of water management. Some action has to date been taken with respect to this recommendation.

While the objectives are commendable, and fully supported by ADF&G, we feel that his program is too generally described to be evaluated in detail. Basically, we agree with the recommendation that there needs to be developed a more expanded data acquisition and assessment program; we are not, however, convinced that a need exists for an exhaustive program of assessing potential demands on the state's water resources. With regard to the development of "uniform policies," basic constitutional and statutory language provide that all replenishable natural resources are to be managed on a multiple use, sustained yield and total resource conservation basis subject to preference among "beneficial uses" in the public interest, and that naturally occurring water shall be reserved to the people for common use. These policies lay an adequate general framework for water planning and allocation. The "public interest" clause is the most difficult to work with and is given considerable attention in Mr. Trelease's report. He points out that criteria contained in AS 46.15.080 provide guidance on this issue.

What a water use plan must do, from our perspective, is: 1) provide for adequate procedures to insure that a careful balancing of all interests is attained in fulfillment of the above stated policies and

criteria, 2) guarantee a satisfactory means of implementing resultant decisions, 3) provide for adequate and coordinated data collection, and 4) provide direction to, and coordination of, agency project planning.

From a fish and wildlife perspective, current procedures adequately provide for ADF&G comment on the implications of a proposed water appropriation on fish and wildlife resources. And, the Department of Natural Resources is responsive to the resource needs expressed by ADF&G. Insofar as the protection of fish and game is concerned, however, the current system is less than perfect for two reasons. First, there has been, and currently is, very little research being done in Alaska on the minimum level of water flow required by fish in their various life stages. The state of knowledge in this regard is very limited. Increased understanding of water flow requirement needs through an expanded habitat evaluation program would allow the Department to be more precise in its response to reviews of water use permits and would thus avoid the necessity of skirting the water volume issue or being conservative in estimates of water flow needs. Second, once water flow requirements for fish and wildlife are calculated there is no satisfactory means available to insure that that minimum flow will remain reserved for the protection of fish and wildlife habitat. Administratively, the Department of Natural Resources can, and does, recognize instream flow needs for fish and wildlife, but there is no guaranteed permanence to such recognition. Thus, certain of Mr. Trelease's objectives are not guaranteed under the current system of water management:

- (1) to give direction and continuity to the process of permitting and regulating water use,
- (2) to provide orderly development of water resources consistent with the public interest, the protection of fish and wildlife and the preservation of the environment,
- (3) to prevent overdevelopment of water resources.

Speaking to the matter of coordinating agency project planning: Mr. Trelease points out the need to integrate several specified plans prepared by state agencies into the ultimate statewide water plan. He does, however, fail to clearly identify how such plans are to be used in the water planning and management process. We agree with Mr. Trelease that state planning must be integrated. The only realistic procedure for achieving a state water plan is through a long-term association and mutual interaction of agency regional and project planning. This as opposed to some blueprint for a state plan which would ask that state agencies initiate comprehensive, statewide review and analysis of resources. Over the past two years, DNR, DEC and ADF&G have begun to more directly interact in water management projects of mutual concern. Both DEC and ADF&G have had annual discussions with DNR regarding the use of Title III (Water Resources Council) funding. And, for the upcoming grant period several projects are proposed which would involve inter-action by, and pass through funding to, all three agencies. The

Department of Fish and Game has, in addition, sought more active involvement in DEC's 208 Non-Point Source Pollution Control Program. ADF&G currently has six standing project proposals on file with DEC; two of the projects are targeted for start-up in FY 81. Further, ADF&G has applied for and received funding under the Coastal Energy Impact Program (CEIP) to carry out projects associated with offshore oil and gas development; projects which, in part, consider use of waters and their effect on fish and wildlife. Funding for projects similar to those of the CEIP are also being solicited from the U.S. Geological Survey and from the Governor's Office under a grant authorized by Section 308(c)(2) of the federal Coastal Zone Management Act. Further, ADF&G is working cooperatively with the U.S. Soil Conservation Service in carrying out instream flow studies and river basin planning in several parts of the state; is under contract to the U.S. Fish and Wildlife Service to conduct aquatic habitat evaluation studies for certain species of fish; is conducting water management related studies, as they are necessary to the protection of habitat, under the auspices of the Alaska Coastal Management Program; and is currently discussing with DNR the possibility of a Tanana River basin study. We maintain that through such forms of interaction, water management planning is being carried out. More interagency project planning is desired, particularly at the regional level. To achieve this end, the current system of project planning could be improved through the adoption of a formal means of expressing statewide priorities at a time convenient to agency budget preparation so that the most important issues in the State are brought forward, discussed and acted upon. The Water Resources Board could play an invaluable role in this regard by identifying what regional and project planning is desired from a public perspective.

#### Recommendation #3

Mr. Trelease recommends the enactment of an amendment to the Water Use Act which would allow state agencies and local governments to apply to the Department of Natural Resources for a reservation of flow or water levels needed for the protection of fish and wildlife habitat, migration and propagation, and water quality purposes. HB 118, an act relating to the maintenance of stream flows and levels of water, is currently before the Alaska Legislature. That bill is modeled substantially after the proposal contained in the report under discussion here. However, the bill expands the purposes of reservation to include recreation, navigation, and transportation. Passage of this bill is of the highest priority to the Department of Fish and Game. Its passage would remedy much of the concern expressed above with the current state of water management. In addition, it would bring federal agencies under the administrative procedures of the State in instances of federal application for nonreserved, instream water rights, thus avoiding the current necessity of court settlements.

#### Recommendation #4

This recommendation speaks to a need to streamline administrative forms used in water programs. The Department of Fish and Game recently revised and made uniform the application forms it uses in its regulatory programs.

Recommendation #7

Mr. Trelease recommends that the Division of Geological and Geophysical Survey in the Department of Natural Resources should assume the responsibility for collection and storage of general water resources data from the Department of Environmental Conservation. As long as collected data is compatible with, and readily available to, all potential users the Department of Fish and Game has no preference as to the location of the repository agency.

Recommendation #8

The "Inter-Departmental Water Committee" and "Water Resources Policy Council" recommended by Mr. Trelease were established approximately two years ago. The Department of Environmental Conservation was instrumental in establishing the groups. They assumed chairmanship of the Council. Neither group has met formally for quite some time. However, informal dialogue continues among the staff members to the Water Committee.

Mr. Trelease recommends joint issuance of DEC, DNR and ADF&G permits, using the Water Resources Section of DNR as the clearinghouse and coordinator. The three agencies entered into a cooperative agreement in 1979 for coordination in the issuance of the three agencies' permits. This agreement continues in force. Recently, the same three agencies took it upon themselves to develop a single, master application form for use in applying for mining permits. That application is near completion. It is expected that after agreement has been reached the three agencies will seek to attain federal approval and use of the same application. Then, the three agencies will be looking at the feasibility of issuing a single permit to cover all three agencies' needs in the issuance of mining permits.

Mr. Trelease further recommends that the "different departments" coordinate the terms of their permits by removing apparent inconsistencies. Again, DEC, DNR and ADF&G are attempting to do this for permitting associated with placer mining activities. The three agencies have joined with representatives from the Alaska Legislature and the mining industry to explore several issues related to placer mining in Alaska. One of that group's proposed work tasks is to consolidate and compare the guidelines used by the three agencies in making decisions on the issuance of placer mining permits.

cc: Commissioner Robert LeResche  
Commissioner Ernst Mueller  
Glenn Akins  
Brent Petrie