

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

MEMORANDUM

TO: Distribution
FROM: Kerry Howard, ADF&G, Habitat Division Director
Dick Mylles, ADNR, Division of Mining, Land and Water Director
DATE: December 16, 2009
SUBJECT: T16.05.841/.871 and T46.15 Interagency Coordination Agreement

This memorandum confirms that the attached 1989 ADF&G/DNR agreement relating to water allocation and uses associated with AS 46.15 (DNR water appropriations) and AS 16.05.841 and .871 (ADF&G fish habitat permits), remains in force. Please distribute to appropriate staff.

If you have any questions, please contact Gary Prokosch, Al Ott, or Joe Klein.

cc:

Denby S. Lloyd, Commissioner, ADF&G
Tom Irwin, Commissioner, ADNR
Patrick Valkenburg, ADF&G
Richard LeFebvre, ADNR
Charles Swanton, ADF&G
Kevin Banks, ADNR
Ed Fogels, ADNR
Randy Bates, ADNR
Chris Maisch, ADNR
Al Ott, ADF&G
Tina Cuning, ADF&G
Gary Prokosch, ADNR
Christopher Estes, ADF&G
Tom Brookover, ADF&G
Joe Klein, ADF&G

Enclosures (2)

1. 1989 water issues agreement
2. Distribution List

Distribution List

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MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO:

Gary Gustafson
Director
Division of Land and Water
Management
Department of Natural
Resources

DATE:

August 10, 1989

FILE NO.:

TELEPHONE NO.:

465-4105

SUBJECT:

Title 16 and
Water Issues

FROM:


Frank R. Smith
Director
Habitat Division
Department of Fish and Game

I am writing to confirm our final agreement on Title 16 and water issues. In our July 27 phone conversation we reviewed all the points contained in my July 14 memo (enclosed) and agreed to change the word "authorize" to "permit" in the second sentence of the third point. I have marked the change on the attached copy of my July 17 memo.

We also agreed to have staff begin revising a Memorandum of Agreement (MOA) on water issues consistent with this memo as soon as possible given other more immediate commitments.

I think we have reached a good solution to the issue and look forward to getting our MOA updated.

Enclosure

cc: Don Collinsworth
Norman Cohen
Lennie Gorsuch
Tom Hawkins
Denby Lloyd

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO: Gary Gustafson
Director
Division of Land and
Water Management
Department of Natural
Resources

DATE: July 14, 1989

FILE NO.: 

TELEPHONE NO.: 463-4105

SUBJECT: Title 16 and
Water Issues

FROM: 
Director
Habitat Division
Department of Fish and Game

At our June 14 meeting in Fairbanks and in a subsequent phone conversation, I think we resolved your concerns regarding the water withdrawal standard in the draft habitat regulations. It is my understanding that we agreed to the following.

1. We will revise the existing MOA on water issues to reflect the ACMP, tri-agency placer permitting and other coordination agreements that have been developed in the intervening years.
2. We will seek resolution of disputes prior to issuing either a title 16 permit or a DNR temporary use permit or water right permit. As part of the MOA revision, we will develop any elevation procedures needed for dispute resolution.
3. DNR is the appropriator of water. ADF&G, as the agency responsible for the protection of anadromous fish habitat and fish passage, must ~~authorize~~ any changes to the flow of anadromous fish streams or ~~any~~ obstruction of fish passage. *(permit)*
4. Title 16 permits will tie requirements for water left in the stream to the need to protect anadromous fish habitat or fish passage. The amount of water ADF&G title 16 permits say is necessary will be consistent with the amount of water DNR is appropriating, which means the two agencies will have to coordinate their actions prior to issuing their respective authorizations (see #2 above).
5. DNR will require applicants to provide information adequate to judge the water available for out of stream appropriation and for instream flow retention for fish.
6. DNR will provide information on the amount of water already appropriated.
7. ADF&G will give DNR copies of all title 16 permits.

Gary Gustafson

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July 14, 1989

8. We will address a number of technical issues, such as review of title 16 permits and lower limits of appropriations that require agency review, through the MOA amendment process. Each agency will have a lead assigned to the MOA revision and DNR will contact DEC to invite its participation.

If you have a different understanding of what we agreed to, please let me know soon. I plan to address all agency issues by the end of this month so that the habitat regulations can be ready for public review early in the fall.

cc: Norman Cohen
Tom Hawkins

bcc: Frank Rue
Bruce Baker
Ellen Pritts
Regional Supervisors

File: TIR.