

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME


*Division of Sport Fish*

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### MEMORANDUM

TO: Representative Ralph Samuels, Chair  
Legislative Budget and Audit Committee

FROM: Ellen Simpson 

DATE: August 11, 2008

SUBJECT: Navigable Waters and RS 2477 Contract – ADF&G Activities and Expense Report

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This report covers activities of the Navigable Waters and RS 2477 working group in the Alaska Department of Fish and Game (ADF&G) for the period ending June 30, 2008. Payroll expenses for FY 08 are \$35,310 and operating expenses are \$187 for a total FY 08 expenditure of \$35,497 leaving approximately \$34,503 of our allocation remaining. These remaining funds were designated to fund salary and operating expenses; however, the project leader was on emergency family leave since May 2007 and we have only recently filled this position. This has resulted in \$35,497 of the ADF&G FY08 LB&A Committee funding remaining unused.

We reclassified the project leader position from a non-permanent to a permanent full time position and filled this vacancy after an extended recruitment. I am pleased to announce that Dave Ryland, a current ADF&G habitat biologist, will soon assume the duties of project leader as he transitions from his current job. Dave brings diverse experience to this position. He began his ADF&G career by implementing the department's forest practices program in Southcentral Alaska, and conducting project and fish habitat permit reviews. More recently, his primary focus has been on fish passage assessment studies at stream crossings along public roads. Before moving to Alaska, Dave worked as a forest consultant for a private consulting firm in Oregon, for the Oregon Department of Forestry and as a surveyor. Dave has a B.S. in Forestry and Wildlife from the Virginia Polytechnic Institute and State University and a M.F. in Forest Resources from Oregon State University.

Since March, one permanent and one temporary staff member worked part time on navigability issues and permanent supervisory staff assumed temporary responsibilities for representing ADF&G on the interagency RDI Team (ADF&G, DNR and BLM), and budgeting and supervising the Navigable Waters and RS 2477 working group. Using LB&A Committee funding, ADF&G staff conducted additional research to gather and analyze additional information about water bodies with suspended RDI applications. These water bodies are Chilkat Lake and Clear Creek, Klehini River, Chisana River, Nabesna River, and part of the Black River and some of its tributaries. This

information will be considered by the Interagency Access and Navigability Team at their next meeting to decide what action the state should pursue regarding those applications.

The BLM issued an RDI decision for Little Scottie Creek in July, 2008. This was the first RDI decision issued by BLM since September 2006. ADF&G staff, working under our contract with the LB&A Committee, researched and initiated this RDI application. We anticipate that additional RDI decisions for Scottie Creek, the Stikine River, the Kantishna River System and the Yukon-Kuskokwim Portage will follow soon. Of these applications, ADF&G staff researched and initiated the RDI applications for Scottie Creek, the Stikine River, and the Kantishna River System. Although RDI adjudications at the BLM have been slow this past year, several important BLM decisions regarding navigability will pave the way for future successful RDI applications. For example, last fall the BLM solicitor released a decision overturning BLM's administrative finality policy.

As you know, in 2006 the BLM entered into an Assistance Agreement with the Department of Natural Resources to provide land status information, current uses and historical information regarding navigability of Alaskan inland water bodies. ADF&G was selected to do the navigability research for this agreement and in FY 08 ADF&G staff continued to research land status and BLM files as specified in the Assistance Agreement with BLM. The ADF&G portion of the research and mapping for the Kuskokwim River drainage is now complete and we have agreed to update the 1983 BLM Kuskokwim bibliography as required in Phase III of the agreement. The attached table shows the current status of the water bodies included in the BLM Assistance Agreement. We anticipate drafting an additional agreement with BLM soon to continue research to support RDI applications for other systems, specifically the Copper River and Upper Yukon, and drainages in Northwest Alaska.

The second table lists water bodies that we identified as potential RDI candidates some time ago and shows the current status of research. Now that the ADF&G Navigable Waters and RS 2477 working group is fully staffed, we plan on returning to work on these water bodies, completing the research and drafting RDI applications.

To continue this work we request that the LB&A Committee, in addition to the rolling the remaining FY 08 funds (\$34,503) into FY 09, grant ADF&G the same amount in FY 09 that we have received in past years, \$70,000. We anticipate allocating the total available funds as follows:

Personnel costs	\$ 93,000
<u>Travel and contractual</u>	<u>\$ 11,513</u>
Total	\$104,503

Thank you for considering our request. I hope to hear from you soon. Please contact me at 267-2463 if you have any questions.

cc: Cheryl Sutton  
Tina Cunning