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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Scott Graziano, Department of Fish and Game

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** May 22, 2024

**RE:** Filed Permanent Regulations: Department of Fish & Game

Department of Fish & Game regulations re: Anadromous Waters Catalog Update (5 AAC 95.011)

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Attorney General File:	2024200051
Regulation Filed:	5/22/2024
Effective Date:	6/21/2024
Print:	250, July 2024

cc with enclosures: Colleen Bailey, Department of Law  
Shellene Hutter, Department of Fish & Game  
Judy Herndon, LexisNexis



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

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May 22, 2024

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *5 AAC 95.011: Fish & Game - Anadromous Waters Catalog Update*  
Our file: 2024200051

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Fish and Game against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Fish and Game after the close of the public comment period.

The regulations update the *Atlas to the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes* and *Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes* under AS 16.05.871.

*These regulations are timed to fish harvests, timber harvests, the building of forest roads, and other matters related to the summer construction season. Accordingly, we respectfully request that they be filed as soon as possible.*

The March 18, 2024 public notice and the May 14, 2024 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2024.05.22  
09:18:01 -08'00'

RCP/SCW

CC w/enclosure: Scott Graziano, Regulations Contact  
Department of Fish and Game

Aaron Peterson, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF FISH AND GAME

The attached 2 pages of regulations, dealing with waters important to the spawning, rearing, or migration of anadromous fishes, are adopted and certified to be a correct copy of the regulation changes that the Alaska Department of Fish and Game adopts under the authority of AS 16.05.020 and AS 16.05.871 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Alaska Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 5/14/2024

DocuSigned by:  
*Doug Vincent-Lang*  
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Doug Vincent-Lang  
Commissioner

*April Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

May 22, 2024, at 3:33 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*Nancy Dahlstrom*  
for Lieutenant Governor *Nancy Dahlstrom*

Effective: June 21, 2024.

Register: 250, July 2024.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

**Title 5. Fish and Game.**

**Part 5. Protection of Fish and Game Habitat.**

**Chapter 95. Fish and Game Habitat.**

**Article 1. Fish Habitat.**

5 AAC 95.011(a) is amended to read:

(a) The *Atlas to the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes* [,] and [THE] *Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes*, as revised as of **June 2024** [MARCH 2023], are adopted by reference. The **six-volume** [SIX VOLUME] atlas is a compilation of topographic maps upon which are specified [, AS PROVIDED IN AS 16.05.871(b),] the various rivers, lakes, or streams, or parts of **the rivers, lakes, or streams** [THEM,] that are important for the spawning, rearing, or migration of anadromous fish. The catalog is a listing of **the** [THOSE] water bodies **specified in the atlas**. **The catalog** [IT] sets out legal descriptions for the mouth and the known upper range of the fish of each stream, river, or lake designated on the maps in the atlas. The atlas and [THE] catalog identify the water bodies for which a person or agency **shall** [MUST] first notify the department [, AS REQUIRED BY AS 16.05.871(b),] before

**(1) the construction of** [, UNDERTAKING TO CONSTRUCT] a hydraulic project; [, OR TO]

**(2) using** [USE], **diverting** [DIVERT], **obstructing** [OBSTRUCT], **polluting** [POLLUTE], or **changing** [CHANGE] the natural flow or bed of a specified river, lake, or stream; **or** [, OR TO]

**(3) the use of** wheeled, tracked, or excavating equipment or log-dragging equipment in the bed of a specified river, lake, or stream.

Register 250, July 2024 FISH AND GAME

(Eff. 3/1/75, Register 53; am 7/31/82, Register 83; am 10/14/83, Register 88; am 7/27/84, Register 91; am 5/19/85, Register 94; am 5/8/86, Register 98; am 5/1/87, Register 102; am 5/8/88, Register 106; am 6/7/89, Register 110; am 9/29/90, Register 115; am 4/1/92, Register 121; am 8/30/92, Register 123; am 10/20/93, Register 128; am 4/28/95, Register 134; am 6/22/97, Register 142; am 2/6/99, Register 149; am 1/15/2005, Register 172; am 3/1/2006, Register 177; am 9/15/2006, Register 179; am 6/1/2007, Register 182; am 6/2/2008, Register 186; am 6/1/2009, Register 190; am 6/1/2010, Register 194; am 6/1/2011, Register 198; am 6/1/2012, Register 202; am 7/1/2013, Register 206; am 6/1/2014, Register 210; am 6/1/2015, Register 214; am 6/1/2016, Register 218; am 6/1/2017, Register 222; am 6/1/2018, Register 226; am 6/1/2019, Register 230; am 6/1/2020, Register 234; am 6/1/2021, Register 238; am 6/5/2022, Register 242; am 6/11/2023, Register 246; am 6 / 21 / 2024, Register 250)

**Authority:** AS 16.05.020 AS 16.05.871