

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Beth Evers, Habitat Biologist
Department of Fish & Game

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: May 28, 2025

RE: Filed Permanent Regulations: Department of Fish and Game

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

| | |
|------------------------|----------------|
| Attorney General File: | 2025200049 |
| Regulation Filed: | 5/28/2025 |
| Effective Date: | 6/27/2025 |
| Print: | 254, July 2025 |

cc with enclosures: Beth Parsons, Paralegal 2
Department of Law

Bob Dame, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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May 28, 2025

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

Re: 5 AAC 95.011: *DF&G - Anadromous Waters Catalog and Atlas Update*
Our file: 2025200049

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 adopt by reference the June 2025 *Atlas and Catalog of Waters Important to the Spawning, Rearing, or Migration of Anadromous Fishes*.

The April 20, 2025 public notice and the May 28, 2025 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.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

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: 2025.05.28
14:18:59 -08'00'

RCP/SCW

CC w/enclosure: Beth Evers, Habitat Biologist
Department of Fish and Game

Aaron Peterson, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

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

The attached 3 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: 5/28/2025

DocuSigned by:
Doug Vincent-Lang
32E3FEF58234DB
Doug Vincent-Lang
Commissioner

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on May 28, 2025, at 3:48 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Nancy Dahlstrom
Lieutenant Governor

Effective: June 27, 2025

Register: 254, July 2025.

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*, **revised as of June 2025**, and **the** *Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes*, [AS] revised as of **June 2025** [JUNE 2024], are adopted by reference. The six-volume atlas is a compilation of topographic maps upon which are specified the various rivers, lakes, or streams, or parts of the rivers, lakes, or streams, that are important for the spawning, rearing, or migration of anadromous fish. The catalog is a listing of the water bodies specified in the atlas. The catalog 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 catalog identify the water bodies for which a person or agency shall first notify the department before

(1) the construction of a hydraulic project;

(2) using, diverting, obstructing, polluting, or changing the natural flow or bed of a specified river, lake, or stream; or

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

(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

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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; am 6 / 27 / 2025, Register 254)

Authority: AS 16.05.020 AS 16.05.871

Paragraph 2 of the Editor's note that follows 5 AAC 95.011 is changed to read:

Copies of the entire *An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes* are available for examination at the ADF&G offices in Anchorage and Fairbanks. Copies are also available for viewing at the Alaska State Library in Juneau and the ARLIS Library in Anchorage.

Paragraph 3 of the Editor's note that follows 5 AAC 95.011 is changed to read:

[COPIES ARE ALSO AVAILABLE FOR VIEWING AT THE ALASKA STATE LIBRARY IN JUNEAU AND THE ARLIS LIBRARY IN ANCHORAGE.] Copies of regional volumes of the atlas for the region of the state where they are located are available for examination at the ADF&G offices in Craig, Delta Junction, Homer, Juneau, Ketchikan, Nome,

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Soldotna, and Tok. An electronic equivalent may also be viewed through the ADF&G website at <http://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=maps.maps>.