

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: HB 199  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB199-DFG-HAB-04-10-17  
Title: FISH/WILDLIFE HABITAT PROTECTION;  
PERMITS  
Sponsor: STUTES  
Requester: House Special Committee on Fisheries

Department: Department of Fish and Game  
Appropriation: Statewide Support Services  
Allocation: Habitat  
OMB Component Number: 486

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services			***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

## Positions

Full-time			***	***	***	***	***
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2018) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/19

## Why this fiscal note differs from previous version:

Initial version.

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Agency: Department of Fish and Game  
Phone: (907)465-6436  
Date: 04/10/2017 10:30 AM  
Date: 04/10/17

## FISCAL NOTE ANALYSIS

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### Analysis

This bill would require the development of regulations to identify how various changes to Title 16.05.861, 16.05.871, 16.05.873, 16.05.875, 16.05.877, 16.05.881, 16.05.883, 16.05.885, 16.05.877, 16.05.889, 16.05.891, 16.05.893, 16.05.894, 16.05.901, and 16.05.925 would be implemented. HB 199 would require the following new actions by the division:

- Presume that naturally occurring water bodies are anadromous,
- Site specific determinations to determine if a waterbody is not important anadromous fish habitat;
- Public notice of proposed general permits with the possibility of a least one public hearing if requested by an interested person;
- Requirement to renew general permits every five years;
- Requirement to provide written authorization for an individual to operate under a general permit;
- Public notice for permit amendments; public notice to rescind a permit;
- Determine whether a fish habitat permit is minor or major;
- Public notice draft major anadromous fish habitat permit assessment and make copy of application available to the public;
- Determine whether a performance bond is necessary;
- Determine if the proposed activity is likely to cause substantial damage to anadromous fish habitat;
- Determine if anadromous fish habitat will recover or be restored within a reasonable period of time, respond to and address public input on major fish habitat permits, establish fee schedule for permits and collect fees, and respond to and address reconsideration requests on proposed major anadromous fish habitat permits.

The bill also identifies those cases where the Commissioner may not issue a permit for a proposed activity. Compliance with these new actions would require the hiring of habitat biologists, an analyst programmer, and program technicians to deal with public notices, postings, responses to public input, public hearings, draft anadromous fish habitats, etc. The division anticipates the regulation development could take at least two years and implementation of the new regulations and criteria would take additional years to develop and implement.

The commissioner will need assistance in the form of subject matter expertise (managers, biologists, analyst programmer) from staff and legal assistance in order to develop regulations, public notice the regulations, respond to public comments on proposed regulations, and finalize a regulation package. Implementation of the new regulation package would affect all managers, habitat biologists, and fish and game program technicians in all offices along with analyst programmer support to implement and comply with the new regulations as written. The total cost to the department is indeterminate at this time, as the number of affected permittees or future applicants is unknown. The costs are estimated as follows:

<u>Fiscal Note for HB199</u>	<u>Personal Services</u>	<u>Other</u>
Habitat Biologist III/IV*	\$100.0	\$70.0
Analyst Programmer III **	\$100.0	\$10.0
Regional Supervisors/Area Managers/Habitat Biologists/ Fish&Game Program Technicians***	<u>\$887.0</u> \$1087.0	<u>\$152.0</u> \$232.0

\*HBIII/IV reporting to the director and responsible for preparing regulations (drafting regulations, legal review, public notice, response to public comments, producing final regulation package, and implementing regulations across the state) with legal assistance drafting and implementing regulations and responding to reconsideration requests (\$50.0 of the \$70.0 in Other).

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\*\*Analyst Programmer III to create and maintain an online geo-referenced database that will be to used handle public notice, posting of permits, posting of applications for permits, responding to public comments, and keeping track of all public notices, permits, changes to permits, and other actions, as appropriate.

\*\*\*Regional Supervisors, Area Managers, Habitat Biologists, and Fish and Game Program Technicians dealing with all the changes made to the Title 16 permitting process including substantial expansion in authority, public notice component, site-specific determinations to determine stream is not anadromous, and fee infrastructure and collection. This bill will directly affect every office and every position that conducts permitting within the division. It has been determined that to carry out this additional workload it would require a 35% increase from the division's FY17 General Fund Permitting Budget plus an additional \$75K to cover logistics for site-specific determinations for non-anadromy findings (these amounts are included in the totals above).