

Appendix 1. Important federal and state regulatory provisions that protect fish and wildlife habitats in boreal Alaska. A more complete digest of federal resource laws can be found at <https://www.fws.gov/laws/lawsdigest/ResourceLaws.html>.

Statute or regulation	Legal reference ¹	General relevance	Primary agency
Managing public lands			
Administrative Procedure Act	5 USC §§ 551 et seq.	Provides public and judicial review of federal agency rulemaking and actions.	All federal agencies
Alaska National Interest Lands Conservation Act	16 USC § 51	Designated certain federal lands in Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation and National Forest Systems.	Federal land agencies ²
Alaska Native Claims Settlement Act	43 USC §§ 1601-1629	Authorized Alaska Natives to select and received title to public lands in Alaska and nearly \$1 billion in settlement for aboriginal land claims in the state. Also required the Secretary of Interior to withdraw up to 32.4-million ha of public lands for consideration as additions to the national conservation system.	Federal land agencies ²
Conservation and Protection of Alaska Fish and Game	AS §§ 16.20.020-080	Enabling statute for State Refuges, Sanctuaries, and Critical Areas.	Alaska Department of Fish and Game
Federal Land Policy and Management Act	43 USC §§ 1701 et seq.; 43 CFR § 1600	Federal land management statute that established multiple use, sustained yield, and environmental protection as guiding principles for public land management.	Bureau of Land Management
Land Use Planning and Classification	AS § 38.04.065	State statute for managing multiple-use lands through land use plans.	Alaska Department of Natural Resources
National Park Service Organic Act	16 USC §§ 1-4	Established the National Park Service to oversee federal national parks, monuments, and reservations, in order to conserve scenery, natural and historic objects, and wildlife for future generations.	National Park Service
National Wildlife Refuge Administration Act	16 USC §§ 668dd-668ee	Designates a national network of lands and waters as wildlife refuges to protect and conserve fish and wildlife (including migratory birds) that are threatened with extinction, wildlife management areas, and waterfowl production areas.	U.S. Fish and Wildlife Service
Parks and Recreation Facilities	AS §§ 41.21	Enabling statute for State Parks and Recreation Areas.	Alaska Department of Natural Resources
Sikes Act	16 USC §§ 670-670f	Requires military installations to development and implement Integrated Natural Resources Management Plans in cooperation with the U.S. Fish and Wildlife Service and state wildlife agencies	Department of Defense
Wild and Scenic Rivers Act	16 USC §§ 1271-1287	Provides for a National Wild and Scenic Rivers System in which selected rivers with "outstandingly remarkable" values are preserved to protect their water quality.	Federal land agencies ²

Statute or regulation	Legal reference ¹	General relevance	Primary agency
Wilderness Act	16 USC §§ 1131-1136	Requires review of wilderness characteristics of each roadless area of 5,000 or more acres within the National Wildlife Refuge, National Park, and National Forest systems for possible inclusion in the National Wilderness Preservation System.	Federal land agencies ²
Managing birds, nests, and eggs			
Alaska Endangered Species Act	AS §§ 16.20.180-16.20.210	Provides for the continued conservation, protection, restoration, and propagation of Alaskan species threatened with extinction.	Alaska Department of Fish and Game
Bald and Golden Eagle Protection Act	16 USC §§ 668-668d; 50 CFR § 22	Regulates "take," possession, and transport of Bald and Golden Eagles, their nests, and eggs. ³	U.S. Fish and Wildlife Service
Endangered Species Act	16 USC §§ 1531-1544	Provides for conservation of species that are endangered or threatened throughout all or a significant portion of their range and conservation of the ecosystems on which they depend; prohibits "take" of listed species and destruction or adverse modification of their habitats. ⁴	U.S. Fish and Wildlife Service, National Marine Fisheries Service
Migratory Bird Treaty Act	16 USC §§ 703-712; 50 CFR §§ 20.20-20.26	Implements the terms of U.S. treaty conventions with Great Britain (Canada), Mexico, Japan, and Russia; prohibits "take" of native migratory birds, their nests, and eggs. ⁵ The implementing regulations describe allowable harvest methods and means, and, at 50 CFR § 20.21(j), restrict the use of lead shot in taking ducks, geese, swans, and other migratory game birds.	U.S. Fish and Wildlife Service
Managing bird habitats			
Alaska Forest Resources and Practices Act and Regulations	AS § 41.17; 11 AAC 95	Governs timber harvesting, reforestation, and roadbuilding on state, private, and municipal lands. Forest management standards on federal land must meet or exceed the standards; establishes nonpoint source pollution and fish habitat protection standards under state law.	Alaska Department of Natural Resources
Cooperative Forestry Assistance Act of 1978	16 USC §§ 2101-2114	Assists state forestry agencies with forest stewardship programs on private, state, local, and other nonfederal forest lands. Programs address topics such as increased timber production, forest disease management, improving fish and wildlife habitat, and conservation of forest land.	U.S. Forest Service; Alaska Department of Natural Resources
Federal Power Act	16 USC §§ 791 et seq.	Coordinates federal agency review and licensing of hydropower projects. Equal consideration is to be given to power and development, energy conservation, protection, mitigation of damage to and enhancement of fish and wildlife, protection of recreational opportunities, and preservation of other aspects of environmental quality.	Federal Energy Regulatory Commission
Food, Conservation, and Energy Act of 2008 (Farm Bill)	Public Law 110-246	Established federal financial incentives for bioenergy using forest materials, as well as conservation of fish and wildlife on private lands. Also provided support for development of state Forest Action Plans, analyses of forest conditions and trends, and designation of priority forest landscape areas to address threats and improve health.	U.S. Forest Service, Alaska Department of Natural Resources

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Healthy Forests Reserve Program	16 USC §§ 6571-6578	Seeks to restore and enhance forest ecosystems on private land to promote recovery of threatened and endangered species, improve biodiversity, and enhance carbon sequestration. Voluntary incentive programs for private landowners to conserve their working agricultural lands, wetlands, grasslands, and forest lands.	Natural Resource Conservation Service
National Environmental Policy Act	42 USC §§ 4321 et seq.	Requires federal agencies to describe and assess environmental effects of development proposals, consider alternatives, seek public input prior to agency decisions, and to provide necessary mitigation for environmental effects.	All federal agencies
Managing birds habitats: wetlands			
Anadromous Fish Act	AS §§ 16.05.871-901	Requires permit approval from ADFG before altering or affecting “the natural flow or bed” of an identified anadromous fish stream.	Alaska Department of Fish and Game
Clean Water Act	33 USC §§ 1251-1387	Establishes water quality standards and regulates the discharge of pollutants and dredged or fill material into waters of the U.S., including wetlands.	U.S. Army Corp of Engineers, Environmental Protection Agency
Fishway Act	AS § 16.05.841	Requires notification and authorization from ADFG for activities within or across a stream used by fish	Alaska Department of Fish and Game
Fish and Wildlife Coordination Act	16 USC §§ 661-667e	Requires federal agencies to consult with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and state wildlife agencies for activities that affect or modify any stream or body of water, to minimize adverse impacts on fish and wildlife resources and habitat; generally undertaken as part of Clean Water Act, 404 of the Clean Water Act, NEPA, or Federal Power Act project reviews.	Federal Energy Regulatory Commission, National Marine Fisheries Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service
Rivers and Harbors Act, Section 10	33 USC § 403	Prohibits obstruction or alteration of navigable waters of the US without a permit from the Corps of Engineers.	Army Corp of Engineers
Conservation funding			
Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act)	16 USC. §§ 777–7771	Excise taxes on sport fishing equipment to provide federal aid funding to states to manage and restore marine and freshwater sport fish populations, as well as to support aquatic education, wetlands restoration, and boat safety and sanitation. Administered by the Wildlife and Sport Fish Restoration program.	U.S. Fish and Wildlife Service

Statute or regulation	Legal reference ¹	General relevance	Primary agency
Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act)	16 USC §§ 669-669k	Excise taxes on firearms, ammunition, and archery equipment go to states for projects to restore, conserve, manage, and enhance wild gamebirds and mammals and their habitats. Funding is administered through the USFWS Wildlife and Sport Fish Restoration program (WSFR). Unused monies transfer in part to the Neotropical Migratory Bird Conservation Act. Interest on holdings is available as funds for the North American Wetland Conservation Act. It is important to note that funds supporting State Wildlife Grants (SWG) and a national conservation strategy of State Wildlife Action plans (also administered through the WSFR) rely upon annual congressional appropriations from the U.S. Treasury.	U.S. Fish and Wildlife Service
Fish and Wildlife Conservation Act of 1980	16 USC §§ 2901-2912	Provides financial and technical assistance to states for to develop and implement conservation plans (e.g., State Wildlife Action Plans) and programs for nongame fish and wildlife. Encourages all federal departments and agencies to conserve and promote conservation of nongame fish and wildlife and their habitats.	U.S. Fish and Wildlife Service
Neotropical Migratory Bird Conservation Act	16 USC §§ 6101-6109	Federal grants that support and foster international cooperation and initiatives to perpetuate healthy migratory bird populations throughout the Western hemisphere.	U.S. Fish and Wildlife Service
North American Wetlands Conservation Act	16 USC §§ 4401-4412	Federal funding and administrative direction to implement the North American Waterfowl Management Plan.	U.S. Fish and Wildlife Service
Partners for Fish and Wildlife Act	16 USC §§ 3771-3774	Provides for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program.	U.S. Fish and Wildlife Service

¹AAC = Alaska Administrative Code, AS = Alaska Statutes, CFR = Code of Federal Regulations, USC = United States Code

²Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service

³BGEPA defines "take" as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. "Disturb" is further defined as to agitate or bother to a degree that causes, or is likely to cause injury, decrease productivity, or nest abandonment

⁴ESA defines "take" as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." 16 USC § 1532(19).

⁵MBTA makes it unlawful, without a permit, to "pursue, hunt, take, capture, kill", sell, buy, or transport "any migratory bird or any part, nest, or egg thereof."