



SPECIAL AREA PERMIT 22-V-0004-GP-SA

ISSUED: January 3, 2022
EXPIRES: December 31, 2023

General Public:

RE: Mooring Buoys and Running Lines
Kachemak Bay Critical Habitat Area

Pursuant to AS 16.20.520, AS 16.20.530, 5 AAC 95.400-.440, and 5 AAC 95.700-.990, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined in response to public need for safe access to adjacent private property, both the public interest and the proper protection of fish and wildlife and their habitats would be served through issuance of a General Permit (5 AAC 95.770) authorizing placement of mooring buoys and running lines within the Kachemak Bay Critical Habitat Area (KBCHA). This General Permit does not authorize the placement of mooring buoys designated for public access to adjacent public lands; an individual Special Area Permit is required.

Legislatively Designated Special Area

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. The activity authorized by this General Permit is not expected to adversely impact important habitat values.

NOTE: In order to remain informed regarding the location and number of mooring buoys and running lines in Kachemak Bay, Habitat Section is maintaining a list of individuals and a location map of gear. Please send pertinent information to ADF&G, Habitat Section, 514 Funny River Road, Soldotna, AK 99669.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit to the general public for the placement and use of mooring buoys and running lines within Kachemak Bay Critical Habitat Area subject to the description above, the following stipulation, and permit terms:

1. Mooring buoys and running lines must be sited, designed, and used in a manner which does not interfere with navigation for the purpose of public use and enjoyment of the critical habitat area, existing fisheries, or other authorized uses.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.20.530 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Habitat Section; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment in accordance with 5 AAC 95.740 before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any provision contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Habitat Section. Therefore, we recommend you consult the Habitat Section immediately before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

Please direct questions about this permit to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang,
Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
ADF&G, Habitat

cc: KRC File

By email only:

AWT Northern Detachment
ADF&G Anchorage, Soldotna
C. Larson, ADNDR DMLW
M. Mueller, KPB
Al, Ott, ADF&G-HAB
J. Meehan, ADF&G-WC
T. Massie, ADF&G-HAB
M. Booz, ADF&G-SF
J. Herreman, ADF&G-WC
G. Hollowell, ADF&G-CF
COE – KFO