

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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FISH HABITAT PERMIT FG93-III-0167 AMENDMENT #2

ISSUED: January 1, 2010
EXPIRES: December 31, 2015

General Public:

RE: Public Boat Launch Site; Northwest Corner of Section 16, T7S, R32E, FM; Fortymile River
(Stream No. 334-45-11000-2600)

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat is issuing a general permit for the use of the streambed of the Fortymile River at the referenced location (see enclosed map). Activities covered under the general permit include the launching and landing of boats using vehicles with a gross weight up to 10,000 pounds.

The Fortymile River has been specified as being important for the migration, spawning, or rearing of anadromous fishes in accordance with AS 16.05.871(a). Chinook salmon use the Fortymile River for spawning, rearing, and migration.

In accordance with AS 16.05.871(d), project approval is hereby given subject to the following stipulation:

- (1) Permitted activities do not include gravel removal, streambank alteration, water use, and/or the operation of heavy equipment. Use of the Fortymile River is limited to those activities associated with normal launching and landing of boats.

NOTE: If other uses of the launch area are deemed to be necessary, the individual is responsible for the submission of plans and specifications to the Division of Habitat for review and approval prior to beginning the activity.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this approval does not relieve you of the responsibility of securing other permits, state, federal or local.

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. The Division of Habitat reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the Division of Habitat, 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 the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

Please be advised that this determination applies only to activities regulated by Division of Habitat; other divisions with ADFG also may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits, state, federal, or local. You are still required to comply with all other applicable laws.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

Denby S. Lloyd, Commissioner



BY: Robert F. McLean, Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

Enclosure: Map, Fortymile River at O'Brien Creek

ecc: Charlies Swanton, ADF&G, Fairbanks
David James, ADF&G, Fairbanks
Fred Bue, ADF&G, Fairbanks

RFM/pgs