



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF HABITAT
Kenai Peninsula Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

SPECIAL AREA PERMIT 15-V-0004-GP-SA

ISSUED: December 16, 2014
EXPIRES: December 31, 2015

General Public

Re: Kachemak Bay Critical Habitat Area – Mooring Buoys and Running Lines

In response to public need for safe access to adjacent public and private property, the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that both the public interest and the proper protection of fish and wildlife and their habitat 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). 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.

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. This activity is not expected to adversely impact important habitat values.

In accordance with 5 AAC 95.770, and pursuant to 5 AAC 95.420(a) (10), the department hereby issues a General Permit authorizing the placement and use of mooring buoys and running lines within Kachemak Bay Critical Habitat Area.

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

The owner of the gear (permittee) is responsible for the actions of persons who participate in the approved activity. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.20, the individual shall notify the Division of Habitat, at the above letterhead address or telephone number, and obtain written approval in the form of an individual Special Area Permit prior to commencement of the activity. Any action taken by the permittee or an agent of the permittee that increases the activity's overall scope or that negates, alters, or

minimizes the intent or effectiveness of any stipulation contained in this General Permit will be deemed a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for an individual Special Area Permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95. Please be advised that this approval does not relieve you of the responsibility of securing other permits: state, federal, or local.

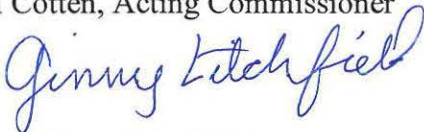
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

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.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Sincerely,

Sam Cotten, Acting Commissioner



By: Ginny Litchfield
Kenai Peninsula Area Manager
ADF&G, Habitat Division

cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anch.

COE – KFO