



**FISH HABITAT PERMIT FH17-I-0169-GP
GENERAL PERMIT**

ISSUED: August 22, 2017

General Public:

RE: Nelson Creek Crossing
Stream No. 115-34-10228
Section 27, T 27S, R 59E, CRM (Skagway B-1)

Alaska Statute 16.05.871 requires that prior to crossing a specified waterbody with a wheeled or tracked vehicle an individual obtain a permit from the Alaska Department of Fish and Game. The Department has determined that both public interest and the proper protection of fish and game are served through the issuance of a general permit authorizing vehicle crossings at the hardened ford constructed on Nelson Creek.

Activity Description

Vehicle crossings at less than 5 mph at the Nelson Creek Ford, 59.4973 N, 135.3610 W (Figure 1).

Anadromous Fish Act

Nelson Creek has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 112-42-10080-2302 provides habitat for coho and pink salmon.

In accordance with AS 16.05.871(d), public crossings of the ford are approved, subject to the activity description above and the terms of this permit.

Permit Terms

For any activity that significantly deviates from the approved activity, you shall notify the Division of Habitat and obtain written approval in the form of an individual permit amendment 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 stipulation contained in this permit will be deemed a significant deviation from the approved actions. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the

Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this determination applies only to activities regulated by the Division of Habitat; 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.

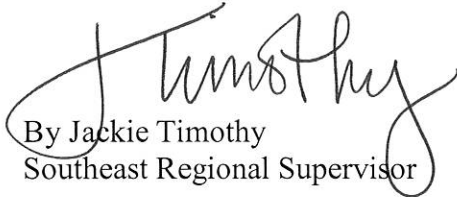
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the activity and which was a direct result of the failure to comply with this permit or any applicable law.

Any member of the general public operating under this General Permit 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.

If you have any questions, please call the Juneau Division of Habitat at (907) 465-4105.

Sincerely,
Sam Cotten
Commissioner


By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Rich Chapell, ADF&G/SF, Haines
Mark Sogge, ADF&G/CF, Haines
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Steve Brockmann, USFWS, Juneau
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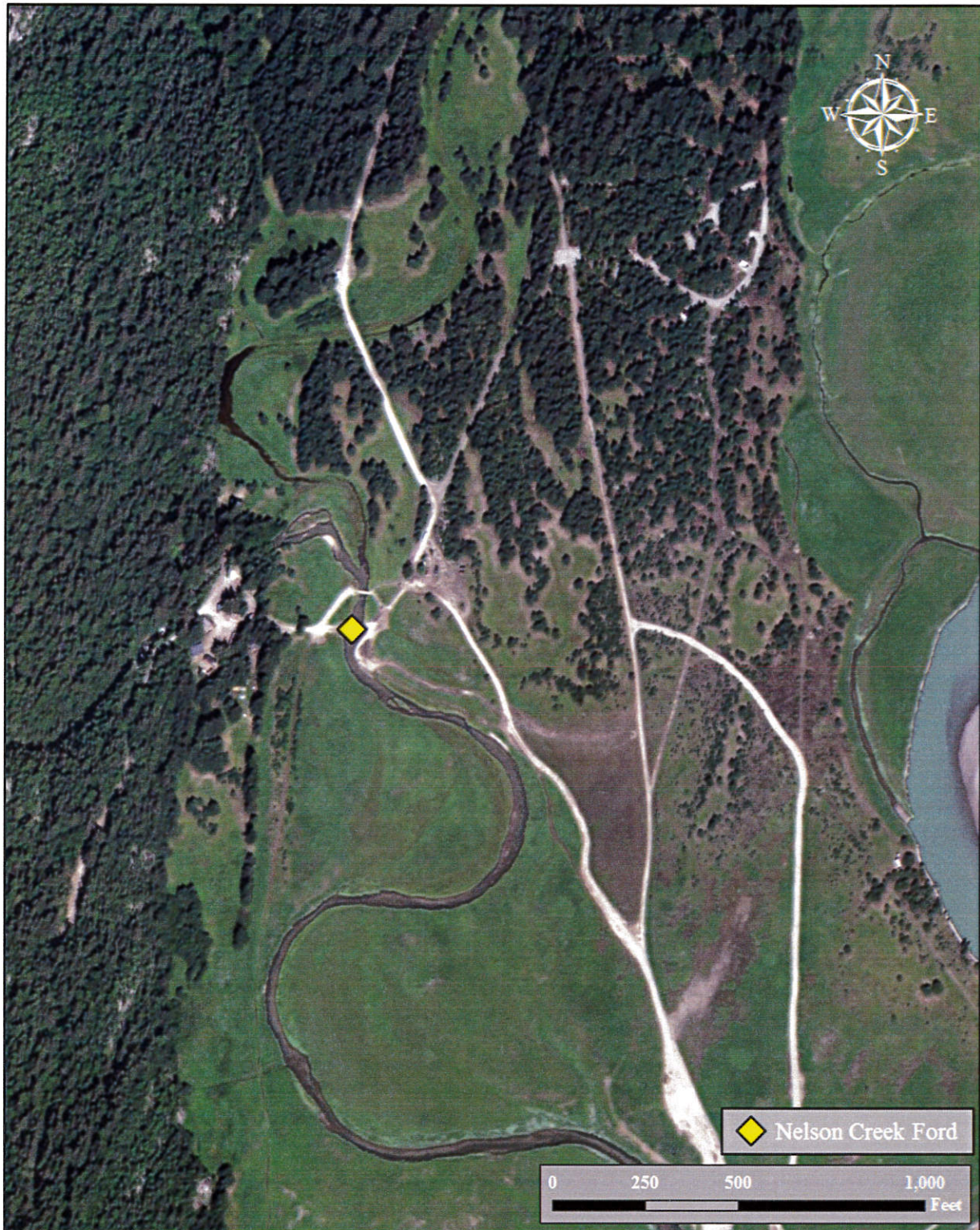


Figure 1.—Nelson Creek Ford map.