



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Regional Office

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FISH HABITAT PERMIT FH23-II-0049-GP

ISSUED: January 1, 2023
EXPIRES: December 31, 2026

General Public:

RE: Vehicle Stream Crossing
Hurst Creek (Water Body No. 259-41-10040)
Section 12, T 31 S, R 22 W, SM
Location: 57.5017 N, 152.7326 W

Pursuant to the anadromous fish act at AS 16.05.871 (b), the Alaska Department of Fish and Game (ADF&G) Habitat Section has determined that the public interest would be served through the issuance of a General Permit for vehicle stream crossing of Hurst Creek at the location shown on the enclosed map.

Project Description

This general permit authorizes the movement of wheeled or tracked vehicles weighing less than 5,000 lbs dry weight on the bed and banks of Hurst Creek at the above referenced location. Heavier vehicles are not covered under this General Permit and would require an individual Fish Habitat Permit. The stream crossing at the existing ford identified by the legal description above and indicated by a dot (•) on the enclosed map are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

Anadromous Fish Act

Water Body No. 259-41-10040 has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The water body provides habitat for chum, coho, and pink salmon, and Dolly Varden.

In accordance with AS 16.05.871(d), your project is approved subject to the project description, the following stipulations, and the permit terms.

1. Stream crossings shall be made from bank to bank in a direction substantially perpendicular to the stream flow.

2. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings.
3. Vehicles shall not be refueled or serviced below ordinary high water. Vehicles leaking oil or other hazardous substances are prohibited from crossing the creek.
4. This permit must be retained onsite during stream crossing activities.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871 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 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.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to the Habitat Section at 267-2342 or dfg.hab.infoanc@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner

Ron Benkert

By Ron Benkert
Southcentral Regional Supervisor

Enclosures: FH23-II-0049-GP Vehicle Stream Crossing Map

Email cc:

A. Ott, ADF&G
T. Polum, ADF&G
K. Schaberg, ADF&G
J. Mountain, AWT
C. Larson, ADNR
TWUA, ADNR
J. Rypkema, ADEC
USACE, Regulatory
B. Brown, KSWCD
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APPROVED STREAM CROSSING – MAP

Hurst Creek - Stream No. 259-41-10040

1. Section 12, T 31 S, R 22 W, SM

Coordinates: 57.5017 N, 152.7326 W

Map notes: There is one approved ford of anadromous fish bearing water within the area shown on this map, as noted by the legal description above and depicted by a dot (•) and label. The crossing is authorized only within 20 feet of the centerline of a traditional ford crossing at the referenced location. You are advised to contact the Kodiak ATV Club or the appropriate land management agency concerning the location of approved trails or other restrictions on vehicle use on lands managed by those agencies. Vehicle stream crossings of other specified anadromous fish bearing waters, or other locations are not authorized, except by individual permit or other General Permits.

