FISH HABITAT PERMIT FH18-IV-0016-GP (Amendment #1)

ISSUED: January 1, 2019
EXPIRES: December 31, 2022

General Public:

Re: Vehicle and Equipment Fords- Matanuska River Floodplain and Clear Water Tributaries

Matanuska River
Waterbody No. 247-50-10220
Sections 3, 10 & 15, T. 17 N., R. 2 E., S.M.
Section 34, T. 18 N., R. 2 E., S.M.

Unnamed Stream
Waterbody No. 247-50-10220-2037-3020
Sections 16, 17, 20, 29, 30 & 31, T. 17 N., R. 2 E. S.M.

Unnamed Stream
Waterbody No. 247-50-10220-2033
Section 19 & 30, T. 17 N., R. 2 E., S.M.

Unnamed Stream
Waterbody No. 247-50-10220-2037
Section 20, T. 17 N., R. 2 E., S.M.

Alaska law (AS 16.05.871) requires that a Fish Habitat Permit from the Alaska Department of Fish and Game, Division of Habitat (ADF&G) be obtained prior to operating wheeled or tracked vehicles in or on the bed, banks, or waters of specified anadromous fish-bearing streams or lakes. Pursuant to AS 16.05.871(b), the Division of Habitat has determined that both the public interest and the proper protection of fish and game would be served by issuing a General Permit (GP) authorizing vehicle stream crossings on the floodplain of the Matanuska River and selected clear water tributaries draining into the Matanuska River. This GP also authorizes the operation of ground contact vehicles on portions of the dry riverbed of the Matanuska River.

PLEASE NOTE:

THIS PERMIT DOES NOT AUTHORIZE ACCESS ACROSS PRIVATE PROPERTY TO GAIN ACCESS TO OR FROM THE MATANUSKA RIVER FLOODPLAIN. IT IS THE RESPONSIBILITY OF THE APPLICANT/PERMIT HOLDER TO OBTAIN LAWFUL PERMISSION FROM THE PROPERTY OWNER TO ACCESS PRIVATE PROPERTY.

THIS PERMIT DOES NOT AUTHORIZE MOTORIZED VEHICLE USE WITHIN THE PALMER HAY FLATS STATE GAME REFUGE.

This permit authorizes stream crossings of vehicles on the referenced streams with a dry weight of up to 2,000 pounds. For purposes of this permit, the dry weight of a vehicle is the weight of the vehicle
without passengers and cargo, as specified by the manufacturer. The off-road use of any vehicle in excess of 2,000 lbs dry weight is not authorized under this General Permit. For additional information regarding regulations governing the cross country movement of equipment on state lands, or for information regarding land ownership, please contact the Department of Natural Resources, Public Information Center in Anchorage (907-269-8400).

For stream crossing activities not authorized under this GP, an individual Fish Habitat Permit must be obtained. Please contact the Palmer Division of Habitat at 907-861-3200 for information and to obtain a Fish Habitat Permit Application.

**This permit does not apply to commercial operators.** Commercial operators who need to conduct equipment or vehicle crossings of anadromous streams or need to operate equipment or vehicles on the dry riverbed of the Matanuska River must obtain an individual Fish Habitat Permit prior to commencement of operations. Please contact the Palmer Division of Habitat for permit application materials and/or for additional information (907-861-3200).

**Authorized Stream Crossing Locations:**

- Stream Ford # 1 - 61.5629°N., -149.0975°W.
- Stream Ford # 2 - 61.5589°N., -149.1104°W.
- Stream Ford # 3 - 61.5568°N., -149.1229°W.
- Stream Ford # 4 - 61.5543°N., -149.1315°W.
- Stream Ford # 5 - 61.5481°N., -149.1242°W.
- Stream Ford # 6 - 61.5451°N., -149.1315°W.
- Stream Ford # 7 - 61.5380°N., -149.1424°W.
- Stream Ford # 8 - 61.5295°N., -149.1544°W.
- Stream Ford # 9 - 61.5142°N., -149.1746°W.
- Stream Ford # 10 - 61.5285°N., -149.1708°W.
- Stream Ford # 11 - 61.5306°N., -149.1724°W.
- Stream Ford # 12 - 61.5363°N., -149.1722°W.
- Stream Ford # 13 - 61.5375°N., -149.1722°W.
- Stream Ford # 14 - 61.5420°N., -149.1720°W.

The Matanuska River and the above referenced unnamed streams have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). These waterbodies provide spawning, migration and rearing habitat for sockeye, chum and coho salmon and a variety of resident fish species. In accordance with AS 16.05.871(a), the movement of wheeled or tracked vehicles as described above is authorized, subject to the following stipulations:

1. **This permit must be in your possession during stream crossings.**

2. **Crossings shall be made at posted/numbered locations on the unnamed streams only (see map).** In the event posted signs have been removed or destroyed, crossings shall be made on established trails at the coordinates listed above. Additionally, unless otherwise posted by the Division of Habitat, or noted herein, ground contact vehicles may cross any Matanuska River side channels and sloughs within 100 yards of the toe of the western bluff between the Old Glenn Highway Bridge near Palmer downstream to the point where the bluff turns westerly at approximately 61.5625° North, 149.0773° West.

3. **Stream crossings shall be made as directly as possible.** This is usually perpendicular to the
flow of the water. However, the Division of Habitat is aware that the safest route across a stream may not be perpendicular to the flow. Because of this, non-perpendicular crossings may be necessary for safety and are allowed when appropriate.

4. **Vehicle operations within streams shall be limited to that necessary to safely cross the water body.** Driving a vehicle up and downstream for any other purpose, including general recreation, is strictly prohibited.

5. **Vehicles may not linger or delay while crossing streams.** Washing mud from vehicles while the vehicle is in the flowing waters of a stream is prohibited.

6. **Ground contact vehicles shall not be parked below the ordinary high water line of any anadromous stream.**

7. **The bed or banks of these specified water bodies shall not be altered or disturbed in any way to facilitate stream crossings.** Existing fords shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Division of Habitat.

The identified stream ford locations are hereby authorized by this general permit. The Division of Habitat shall make all reasonable attempts to mark and maintain signage at these locations for the convenience of the public. If in doubt about your location use a GPS to verify the stream ford site. A map is attached to assist in identifying signed crossing locations.

**Please be reminded that harassing fish while crossing any stream is prohibited by state law (5 AAC 75.060).**

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

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

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 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
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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 project and which was a direct result of the 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.

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

If you have any questions, please call the Palmer Division of Habitat at (907) 861-3200.

Sincerely,

Doug Vincent-Lang, Commissioner

By: Jonathan Kirsch
Matuska-Susitna Area Manager
Division of Habitat
(907) 861-3200

Enclosure: Matanuska River Area Map

cc: D. Dahl, AWT S. Ivey, SF A. Ott, Habitat T. Long, SF
Permits, SF C. Larson, DNR Pagemaster, COE
Palmer Hay Flats State Game Refuge
No ATVs except Nov 9 - Mar 31 when frozen ground & 12" snow present