



FISH HABITAT PERMIT FH18-V-0017-GP

ISSUED: December 18, 2017
EXPIRES: December 31, 2018

General Public:

Re: Vehicle Fords
Dow Island Channel
Kenai River – Stream No. 244-30-10010
Section 27, T 5N, R 8W, S.M.

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that the public interest and the proper protection of fish and game resources would be served through the issuance of a General Permit (5 AAC 95.770) for light vehicle (less than 10,000 pounds dry vehicle weight) crossings of the Dow Island Channel (Stream No. 244-30-10010) at the established crossing site between the south end of Dow Island and Fishermans Road shown on the enclosed map. For the purposes of this permit, the dry weight of a vehicle is the weight of the vehicle without passengers, cargo, or fuel, as specified by the manufacturer.

Vehicle crossings at the existing ford, identified by the legal description above and indicated on the enclosed map, are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitat.

The movement of vehicles less than 10,000 pounds dry vehicle weight on the bed and banks of the referenced stream is authorized as follows:

1. Crossing the Dow Island Channel is limited to de-watered conditions or when ice and snow cover is of sufficient thickness to support the weight-bearing load of the authorized vehicle(s). There shall be no tracked or wheeled equipment operated within the flowing waters of the Kenai River.
2. Crossings are authorized only at the established ford located between the south end of Dow Island and Fishermans Road shown on Map 1 (attached).

3. Streambanks, streambeds, or the existing ford shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Department of Fish and Game, Division of Habitat.
4. There shall be no removal or disturbance of vegetation or vegetated streambanks; no vehicles shall be operated on the vegetated streambanks or in a manner or location that induces erosion or sedimentation of the Kenai River channel.

Alaska law (AS 16.05.871) requires that a permit from the Division of Habitat be obtained prior to operating wheeled or tracked vehicles in or on the bed, bank, or waters of specified anadromous fish bearing waters. The amount of public use of the crossing identified herein, justifies the current General Permit. The issuance of this General Permit does not obligate or imply that the Division of Habitat will renew the authorization in the future. The Division of Habitat intends to work with local user groups and responsible land management agencies to ensure that vehicle use on and off trails avoids adverse impacts to fish resources and habitats.

The use of any ground-effect motorized vehicle for channel crossings, other than described in this General Permit, is not allowed except by an individual Fish Habitat Permit. Please contact the Division of Habitat at (907) 714-2475 for further information.

The Kenai River has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). The Kenai River provides spawning and migration habitat for Chinook, coho, chum, sockeye and pink salmon and other species of resident fish.

In accordance with AS 16.05.871(d), stream crossings, in conformance with the stipulations listed above, are hereby authorized.

The vehicle owner and operator (permittee), or the legal guardian of minor dependents, is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken by the permittee or agent of the permittee which increases the scope of the approved activity 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 activity. 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 that the Division of Habitat be consulted 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. This determination does not relieve you of your responsibility to secure other permits from state, federal, or local agencies. 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 occurring as a direct result of 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 44.62.330-630.

Sincerely,

Sam Cotten, Commissioner



By: Brian Blossom
Kenai Peninsula Area Manager
ADF&G, Division of Habitat

Enclosure: Map 1

cc: KRC File

By email only:

AWT Soldotna
ADF&G Soldotna
ADNR/DPOR (Division of Parks and Outdoor Recreation)
COE-KFO



Map 1. Approved crossing location.