



**FISH HABITAT PERMIT**  
**FH16-III-0182-GP**

ISSUED: December 30, 2016  
EXPIRES: December 31, 2021

GENERAL PUBLIC

RE: Motorized Vehicle Stream Crossings at Traditional Ford Locations  
Southern Seward Peninsula  
(See Table 1 for stream names and specific locations)

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that both the public interest and protection of fish and game would be served with the issuance of a General Fish Habitat Permit authorizing the use of motorized vehicles to cross the described waterbodies (Table 1). Wheeled or tracked vehicles with a **gross vehicle weight (GVWR) of 10,000 pounds or less** are authorized to cross within a 500 foot centerline of the referenced traditional ford crossing sites.

Note: Any other use of vehicles within the described waterbodies or any use within other natural waterbodies catalogued as anadromous not described herein requires an individual Fish Habitat Permit.

**Table 1. Authorized locations for stream crossings.**

<u>Stream Name &amp; No.</u>	<u>Location (KRM)</u>
Sinuk River (333-10-10700)	Near Mouth, Sec 27, T10S, R38W, Nome C-3
Cripple River (333-10-10900)	Near Mouth, Sec 12-13, T11S, R36W, Nome C-2
Penny River (333-10-10950)	Near Mouth, Sec 18, T11S, R35W, Nome C-2
Snake River (333-10-11200)	At Bangor Creek, Sec 34, T9S, R34W, Nome C-1
Glacier Creek (333-10-11200-2110)	Access Road, Sec 26-27, T10S, R34W, Nome C-1
Lower Nome River (333-10-11250)	At Buster Creek, Sec 27, T10S, R33W, Nome C-1 At Sampson Creek, Sec 9, T9S, R33W, Nome C-1 At Clara Creek, Sec 30, T8S, R32W, Nome D-1

Lower Nome River (cont.)	At Dorothy Creek, Sec 6, T8S, R32W, Nome D-1 At Divide Creek, Sec 36, T7S, R33W, Nome D-1
Pilgrim River (332-00-10250-2110)	Upstream of Iron Creek and Iron Creek, Sec 13
Iron Creek (332-00-10250-2110-3500)	Near Homestake Creek, Sec 14, T6S, R30W, Solomon D-6
Kougarok River (332-00-10250-2285)	Taylor Creek, Sec 1 and 12, T3N, R30W, Bendeleben C-6 Near Windy Creek, Sec 28, T1N, R29W, Bendeleben B-6 Near Ryan Gulch, Sec 16, T1S, 29W, Bendeleben B-6
Solomon River (333-10-11700)	At Lees Camp, Sec 13, T10S, R29W,
Shovel Creek (333-10-11700-2061)	Sec 2 and 11-12, T10S, R29W, and 35, T9S,
Big Hurrah Creek (333-10-11700-2082)	Near Mouth, Sec 5, T10S, R28W, Solomon C-5
Niukluk River (333-20-10670-2281)	At Council, Sec11, T7S, R25W, Solomon D-4
Ophir Creek (333-20-10670-2281-3160)	Near Mouth and also ~1/4 mile Upstream, Sec 33, T6S, R25W, Solomon D-4
Sweetcake Creek (333-20-10670-2281-316-4011)	Near Confluence with Ophir Creek, Sec 33, T6S, R25W, Solomon D-4
Ophir Creek	Near Snowball Creek, Sec 13, T6S, R25W, Solomon D-4

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### **Anadromous Fish Act**

The described waterbodies have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The streams provide habitat for a combination of salmon species and anadromous Dolly Varden, and also support resident fish species (e.g., Arctic grayling).

In accordance with AS 16.05.871(d), authorization is hereby given to cross the described waterbodies using the described limited vehicles subject to the following stipulations:

- 1) Summer stream crossings with vehicles/equipment shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow to the extent practicable and in a manner that precludes creation of barriers to efficient fish passage (ridging and/or rutting of streambed, etc.). No modifications to the banks of the stream are authorized via this permit.
- 2) Winter stream crossings shall occur when and where the ice is naturally frozen to the streambed or in areas where ice thickness is adequate to support equipment. Vehicles shall not enter open water during winter. Any ice/snow bridges and approach ramps constructed at stream crossings of any definable stream must be substantially free of extraneous material (i.e., soil, rock, wood, or vegetation). Any ice/snow bridge shall be breached or weakened and fill used for ramps shall be removed upon completion of use to facilitate breakup such that fish passage is maintained.

The owner and/or operator of the vehicle (permittee), and/or the legal guardian of minor dependent owner/operators (permittees), is 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 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 44.62.330-630.

Any questions or concerns about this permit may be directed to Habitat Biologist Todd Nichols at 907-459-7363 or emailed to [todd.nichols@alaska.gov](mailto:todd.nichols@alaska.gov).

Sincerely,

Sam Cotten, Commissioner



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AB/tn