



FISH HABITAT PERMIT FH18-IV-0004-GP (Amendment #1)

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

General Public:

Re: Vehicle and Equipment Ford—Matanuska-Susitna Borough

Moose Creek Trail

Moose Creek – Waterbody - 247-50-10220-2085
Sections 23 & 28, T. 19 N., R. 2 E., S.M.
Crossing Location #1 – 61.707°N., -149.096°W.
Crossing Location #2 – 61.724°N., -149.053°W.

Alaska law (AS 16.05.871) requires that a permit from the Alaska Department of Fish and Game, 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 streams and lakes. The Moose Creek Trail is accessed via Buffalo Mine Road, near the old Premier Mine site and the old Buffalo Mine site. 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 at these existing stream ford locations.

This GP authorizes stream crossings and the operation of ground contact vehicles on the bed of Moose Creek with a dry weight of up to 10,000 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 10,000 lbs dry weight is not authorized under this General Permit. Ground contact vehicles with a dry weight of more than 10,000 pounds are required to obtain an individual Fish Habitat Permit before crossing any anadromous fish bearing waterway. Please contact the Palmer Division of Habitat for permit application materials and/or additional information (907-861-3200).

This permit does not apply to commercial operators. Commercial operators who need to conduct equipment or vehicle crossings of anadromous streams 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 additional information (907-861-3200).

Moose Creek (Water Body - 247-50-10220-2085) is specified as important for spawning and rearing of Chinook, chum, pink, sockeye and coho salmon. This stream also supports a variety of resident fish species.

In accordance with AS 16.05.871(d), the movement of wheeled or tracked vehicles on the bed and banks at the stream fords (listed above) is authorized subject to the following stipulations:

1. **This permit must be in your possession during stream crossings.**
2. **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.
3. **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.

4. **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.
5. **Ground contact vehicles shall not be parked below the ordinary high water line of any anadromous stream.**
6. **The bed or banks of this specified water body 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.

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 activity. 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. 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 General 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.

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

Sincerely,

Doug Vincent-Lang, Acting Commissioner



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

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Enclosure: Moose Creek Crossing Map

cc: D. Dahl, AWT S. Ivey, SF A. Ott, Habitat T. Long, SF
 Pagemaster, COE Permits, SF C. Larson, DMLW



Moose Creek Crossing FH18-IV-0004-GP



Authorized Crossings



Roads



Anadromous Streams

