



FISH HABITAT PERMIT FH18-IV-0022-GP

ISSUED: January 1, 2018
EXPIRES: December 31, 2022

General Public:

Re: *Vehicle and Equipment Ford*

Kings River

Waterbody No. 247-50-10200-2115

Section 36, T. 20 N., R. 04 E., S.M.

Crossing Location – 61.775 N., -148.638 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, banks, or waters of specified anadromous fish-bearing streams and 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 at the referenced stream ford site on the floodplain of the Kings River. This GP also allows the operation of ground contact vehicles on portions of the dry riverbed of Kings River. It does not authorize establishment of new stream fords or stream crossings locations.

Unless otherwise posted or noted herein, ground contact vehicles may cross the main stem below the OHW mark of Kings River at the above reference location. (See attached map).

This GP authorizes stream crossings and the operation of ground contact vehicles on the bed of Kings River 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. 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.

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 Kings 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 additional information (907-861-3200).

Kings River (Water Body-247-50-10200-2115) is specified as important for spawning and migration of anadromous fish pursuant to AS 16.05.871(a). Kings River provides spawning and migration habitat for Chinook, chum and coho salmon, as well as 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 of Kings River are hereby authorized subject to the provisions contained herein and the following stipulations:

1. **This permit must be in your possession during stream crossings.**
2. **Crossings shall be made at posted locations only.** In the event posted signs have been removed or destroyed, crossings shall be made on established trails at the coordinates listed above.
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 streams, except** vehicles may be temporarily parked on the dry, exposed bed of the Kings River provided they are under the direct supervision of the owner of the vehicle or their authorized agent.
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.

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

Advisory: Swift currents and large boulders make crossing the Kings River particularly challenging especially during periods of elevated flow. Care should be taken to assess flow conditions and crossing safety prior to attempting to ford the Kings River at this location.

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. 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.

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

Sincerely,

Sam Cotten, Commissioner



By: Ron Benkert, Regional Manager
Division of Habitat
(907) 861-3200

-jmk

Attached: Kings River Map

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



Kings River Crossing FH18-IV-0022-GP



Authorized Crossing Location



Roads



Anadromous Streams

