



**FISH HABITAT PERMIT FH19-V-0001-GP**

ISSUED: January 1, 2019  
EXPIRES: December 31, 2023

General Public:

**Re: Vehicle Movement on Frozen Water Surfaces within the Kenai Peninsula Borough**

Pursuant to the anadromous fish act at 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 the proper protection of fish and game resources would be served through the issuance of a General Permit (5 AAC 95.770) authorizing the use of certain motorized vehicles on frozen waters of various specified rivers, lakes, and streams within the Kenai Peninsula Borough.

Categories of motorized vehicles covered by this General Permit include the following: any wheeled, tracked, or other ground effect motorized vehicle less than 12,000 pounds dry vehicle weight. 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.

This General Permit does not authorize cross-country movement of equipment on state land or other activities not generally authorized by ADF&G.

Various rivers, lakes and streams within the described area have been specified as being important for the spawning, rearing or migration of anadromous fish pursuant to AS 16.05.871(a). These water bodies are used by salmon and other anadromous fish for spawning, rearing or migration and provide habitat for resident fish species.

In accordance with AS 16.05.871(d), access to, use and crossings of, or egress from any specified waters, is hereby authorized subject to the description above, the following stipulations, and the permit terms:

1. The ice cover shall be of sufficient thickness to support the weight-bearing load of the authorized vehicle(s).
2. There shall be no vehicles or equipment operated in the open water of any specified lake, river or stream under this General Permit.

3. The construction or use of snow or ice bridges, access ramps, or cribbing to cross any specified river or stream is prohibited without prior written approval by ADF&G, Division of Habitat.
4. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
5. The bed or banks of any specified lake, river or stream shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
6. No fuel shall be stored, nor vehicles fueled or serviced, while on the frozen surface or below the ordinary high water line (vegetation line) of any specified lake, river or stream. No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated on the frozen surface or below the ordinary high water line of any specified lake, river or stream.

### **Permit Terms**

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 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 taken by the permittee or agent of the permittee which 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.

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 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. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your 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.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Sincerely,

Doug Vincent-Lang  
Acting Commissioner

*Brian Blossom*

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

cc: KRC File

Email cc:

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