



**SPECIAL AREA PERMIT 21-V-0004-GP-SA**

**ISSUED:** January 4, 2021  
**EXPIRES:** December 31, 2021

General Public:

**RE: Mooring Buoys and Running Lines**  
Kachemak Bay Critical Habitat Area

Pursuant to 5 AAC 95, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined in response to public need for safe access to adjacent private property, both the public interest and the proper protection of fish and wildlife and their habitats would be served through issuance of a General Permit (5 AAC 95.770) authorizing placement of mooring buoys and running lines within the Kachemak Bay Critical Habitat Area (KBCHA). This General Permit does not authorize the placement of mooring buoys designated for public access to adjacent public lands; an individual Special Area Permit is required.

**Legislatively Designated Special Area**

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. The activity authorized by this General Permit is not expected to adversely impact important habitat values.

**NOTE: In order to remain informed regarding the location and number of mooring buoys and running lines in Kachemak Bay, Habitat Section is maintaining a list of individuals and a location map of gear. Please send pertinent information to ADF&G, Habitat Section, 514 Funny River Road, Soldotna, AK 99669.**

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit to the general public for the placement and use of mooring buoys and running lines within Kachemak Bay Critical Habitat Area subject to the description above, the following stipulation, and permit terms:

1. Mooring buoys and running lines must be sited, designed, and used in a manner which does not interfere with navigation for the purpose of public use and enjoyment of the critical habitat area, existing fisheries, or other authorized uses.

### **Permit Terms**

The mooring buoy 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 requires an individual Special Area Permit, as identified in 5 AAC 95.420, the individual shall notify Habitat Section of the activity. Any action taken by the permittee or agent of the permittee 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 a Habitat Section responsibility. Therefore, it is recommended that you consult with Habitat Section immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.20.530. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. 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 permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

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.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330 - 44.62.630 by requesting a hearing under AS 44.62.370.

Please direct questions about this permit to Habitat Biologist Tony Munter at (907) 714-2478 or e-mail at [tony.munter@alaska.gov](mailto:tony.munter@alaska.gov).

Sincerely,

Doug Vincent-Lang,  
Commissioner

*Brian Blossom*

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

cc: KRC File

By email only:

AWT Homer, Soldotna  
ADF&G Homer, Anchorage  
COE – KFO