



FISH HABITAT PERMIT FH19-V-0009-GP

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

General Public:

Re: All-Terrain Vehicle Ford
Fox Creek – Stream No. 241-14-10660
Section 30, T 4S, R 10W, S.M.

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 for all-terrain vehicles (ATVs), less than 1,000 pounds dry vehicle weight, stream crossings of Fox Creek (Anadromous Waterbody No. 241-14-10660). For the 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.

Alaska law (AS 16.05.871) requires that a permit from the 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 waters. The use of any ground-effect motorized vehicle for stream crossings, other than described in this General Permit, is not allowed except by an individual Fish Habitat Permit. Ground contact vehicles with a dry weight of more than 1,000 pounds are required to obtain an individual Fish Habitat Permit. Please contact the Soldotna Division of Habitat office for permit application materials and/or additional information (907-714-2475).

Fox Creek has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). In the vicinity of the crossing, Fox Creek provides rearing and migration habitat for sockeye, coho, and pink salmon as well as resident fish species.

In accordance with AS 16.05.871(d), the movement of wheeled or tracked vehicles, less than 1,000 pounds dry vehicle weight, on the bed and banks at the referenced stream ford is hereby authorized subject to the description above, the following stipulations, and permit terms:

1. Stream crossings shall be made directly from bank to bank in a direction substantially perpendicular to the stream flow. Crossings are authorized only at the existing ford location indicated on Map 1 (attached).

2. Stream banks, streambeds, or the existing ford shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of ADF&G, Division of Habitat.
3. There shall be no removal or disturbance of vegetation or vegetated stream banks; no vehicles shall be operated on the vegetated stream banks or in a manner or location that induces erosion or sedimentation of Fox Creek.

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

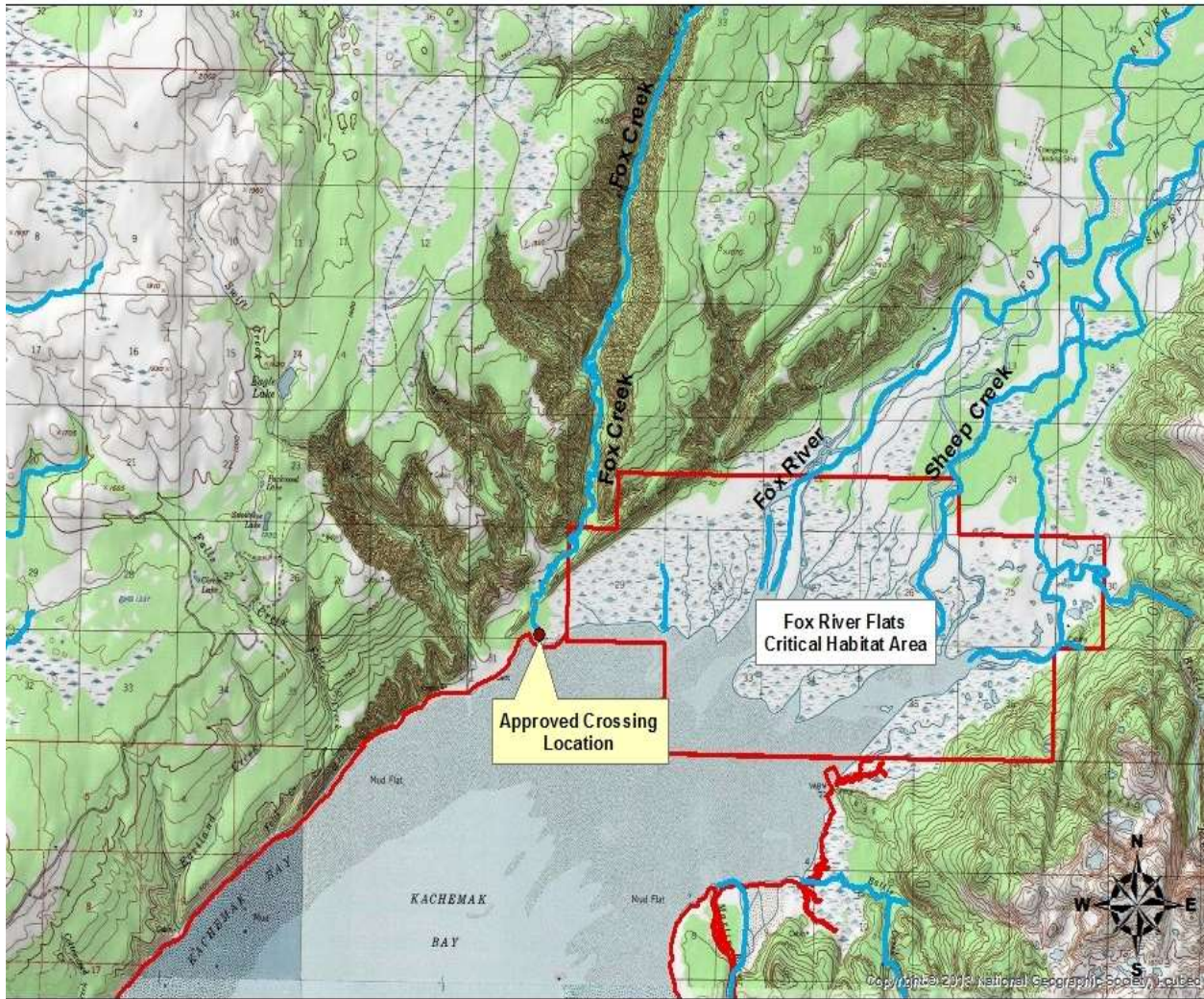
By: Brian Blossom
Kenai Peninsula Area Manager
ADF&G, Habitat Division

Enclosure: Map

cc: KRC File

By email only:

AWT Homer
ADF&G Homer
COE-KFO



Map 1. Fox Creek ATV Ford