



**FISH HABITAT PERMIT FH20-V-0018-GP**

**ISSUED:** January 17, 2020  
**EXPIRES:** December 31, 2020

General Public:

**RE: Vehicle Fords**

Dow Island Channel  
Kenai River – Stream No. 244-30-10010  
Section 27, T 5N, R 8W, S.M.  
Location: 60.4883°N, 150.6579°W

Pursuant to the anadromous fish act at AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that the public interest and the proper protection of fish and game resources would be served through the issuance of a General Permit for limited crossings of the Dow Island Channel (Anadromous Water Body No. 244-30-10010) at the established crossing site at the south end of Dow Island shown on the enclosed map. Vehicles must be less than 10,000 pounds dry vehicle weight and crossings are limited to when the flowing water is less than 10 feet wide.

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. The width of flowing water is measured in a straight line, beginning at the water's edge on one side of the channel to the point where the water meets gravel on the opposite side.

Alaska law (AS 16.05.871) requires that a permit from Habitat Section 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 10,000 pounds are required to obtain an individual Fish Habitat Permit. Please contact the Soldotna Habitat Section office for permit application materials and/or additional information (907-714-2475).

The Kenai River has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). The Kenai River provides spawning and migration habitat for Chinook, coho, chum, sockeye and pink salmon and other species of resident fish.

In accordance with AS 16.05.871(d), the movement of wheeled and tracked vehicles less than 10,000 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. Crossing the Dow Island Channel is limited to when the flowing water is less than 10 feet wide.
2. Crossings are authorized only at the established ford located between the south end of Dow Island and Fishermans Road shown on Map 1 (attached).
3. Streambanks, streambeds, or the existing ford shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of ADF&G, Habitat Section.
4. There shall be no removal or disturbance of vegetation or vegetated streambanks; no vehicles shall be operated on the vegetated streambanks or in a manner or location that induces erosion or sedimentation of the Kenai River channel.

### **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 deviates from this approval, the responsible party shall notify Habitat Section and obtain written approval in the form of an individual permit before beginning the activity. Any action taken by the permittee or agent of the permittee which increases the scope of the approved activity 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 activity. The final determination as to the significance of any deviation and the need for an individual permit is a Habitat Section responsibility. Therefore, it is recommended that Habitat Section be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. 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. 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  
Commissioner

*Brian Blossom*

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

Enclosure: Map 1

cc: KRC File

By email only:

AWT Soldotna  
ADF&G Soldotna  
ADNR/DPOR (Division of Parks and Outdoor Recreation)



**Map 1.** Approved crossing location.