



FISH HABITAT PERMIT FH23-I-0009-GP

ISSUED: March 14, 2023
EXPIRES: December 31, 2024

General Public:

RE: Wheeled and Tracked Vehicle Crossing

Tsirku River (Stream No. 115-32-10250-2067)

Sec 1, 12, 13, 24, 25, 36, T 29S, R 55E, CRM & Sec 7, 18, 19 T. 29 S., R. 56 E., CRM

Location: 59.3806 N, 136.0599 W (Skagway B-3)

Alaska Statute 16.05.871 requires that prior to crossing a specified waterbody with a wheeled or tracked vehicle an individual obtain a permit from the Alaska Department of Fish and Game. The department has determined that both the public interest and the proper protection of fish and game are served through the issuance of a General Permit authorizing public vehicle and equipment crossings of the Tsirku River upstream of Devil's Elbow within the documented reach accessible to anadromous fish (Figure 1). Crossing upstream of this reach does not require a fish habitat permit.

Project Description

Within the reach accessible to anadromous fish, wheeled or tracked vehicles may be used to cross the Tsirku River in the area shown in Figure 1.

Anadromous Fish Act

The Tsirku River has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 115-32-10250-2067 provides habitat for coho salmon and Dolly Varden char upstream of Devil's Elbow. Habitat biologists have observed coho salmon and Dolly Varden char spawning under dense brush at cutbanks. Most crossings occur in unsheltered mid channel braids.

In accordance with AS 16.05.871(d), Tsirku River crossings within the designated area on the enclosed map are approved subject to the permit terms and the following stipulations:

1. Vehicle operations in the river valley shall maximize use of exposed gravel bars and limit in-water activity to that necessary to safely cross the water body in the most direct manner.
2. Vehicles may not be refueled, serviced, or parked below the ordinary high water mark of the river streams.
3. Equipment leaking fuel, hydraulic fluid, or other pollutants shall not be operated below the ordinary high water mark of streams.

4. The streambed and streambanks shall not be altered or disturbed to facilitate stream crossings.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871. 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.

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. Prior to engaging in any activity that significantly deviates from this approval, the responsible party shall notify Habitat Section and obtain written approval in the form of an individual permit. Any action taken by the permittee or agent of the permittee that increases the activity'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 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 the Habitat Section be consulted immediately when a deviation from the approved activity is being considered.

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 the permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330–630 by requesting a hearing under AS 44.62.370.

Please direct questions about this permit to Habitat Biologist Greg Albrecht at (907) 465-6384 or greg.albrecht@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Kate Kanouse
Regional Supervisor

Enclosure: FH23-I-0009-GP Authorized Crossing Area Map

Email cc:

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Habitat Conservation Division, NMFS, Juneau
Sgt. Robert Welch, DPS/AWT, Juneau
Trpr. Colin Nemece, DPS/AWT, Haines



Figure 1.—Authorized Crossing area map. A permit is not required for crossing upstream of the bounded area.