



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Fish and Game

HABITAT SECTION  
Southcentral Regional Office

333 Raspberry Road  
Anchorage, Alaska  
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### **FISH HABITAT PERMIT FH23-II-0052-GP**

**ISSUED:** January 1, 2023  
**EXPIRES:** December 31, 2026

General Public:

**RE:** Vehicle Stream Crossing  
Joe Creek (Water Body No. 259-41-10017)  
Section 30, T 31 S, R 20 W, SM  
Location: 57.4579 N, 152.5580 W

Unnamed Tributary to Joe Creek (Water Body No. 259-41-10017-2003)  
Section 30, T 31 S, R 20 W, SM  
Location: 57.4616 N, 152.5630 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 would be served through the issuance of a General Permit for vehicle stream crossing of Joe Creek and the unnamed tributary to Joe Creek at the locations shown on the enclosed map.

#### **Project Description**

This general permit authorizes the movement of wheeled or tracked vehicles weighing less than 5,000 lbs dry weight on the bed and banks of Joe Creek and the unnamed tributary to Joe Creek at the above referenced locations. Heavier vehicles are not covered under this General Permit and would require an individual Fish Habitat Permit. The stream crossings at the existing fords identified by the legal description above and indicated by a dot (•) on the enclosed map are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

#### **Anadromous Fish Act**

Water Body No. 259-41-10017 and 259-41-10017-2003 have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The water bodies provide habitat for pink salmon.

In accordance with AS 16.05.871(d), your project is approved subject to the project description, the following stipulations, and the permit terms.

1. Stream crossings shall be made from bank to bank in a direction substantially perpendicular to the stream flow.
2. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings.
3. Vehicles shall not be refueled or serviced below ordinary high water. Vehicles leaking oil or other hazardous substances are prohibited from crossing the creek.
4. This permit must be retained onsite during stream crossing activities.

### **Permit Terms**

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 activities regulated by the Habitat Section; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any provision 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 Habitat Section. Therefore, we recommend you consult the Habitat Section immediately before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

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.

Please direct questions about this permit to the Habitat Section at 267-2342 or [dfg.hab.infoanc@alaska.gov](mailto:dfg.hab.infoanc@alaska.gov).

Sincerely,  
Doug Vincent-Lang  
Commissioner

*Ron Benkert*

By Ron Benkert  
Southcentral Regional Supervisor

Enclosures: FH23-II-0052-GP Vehicle Stream Crossing Map

Email cc:

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J. Rypkema, ADEC  
USACE, Regulatory  
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## FISH HABITAT PERMIT FH23-II-0052-GP

### APPROVED STREAM CROSSING – MAP

#### Joe Creek - Stream No. 259-41-10017

1. Section 30, T 31 S, R 20 W, SM  
Coordinates: 57.4579 N, 152.5580 W

#### Unnamed Tributary - Stream No. 259-41-10017-2003

2. Section 30, T 31 S, R 20 W, SM  
Coordinates: 57.4616 N, 152.5630 W

Map notes: There are two approved fords of anadromous fish bearing water within the area shown on this map, as noted by the legal description above and depicted by a dot (•) and label. The crossing is authorized only within 20 feet of the centerline of a traditional ford crossing at the referenced location. You are advised to contact the Kodiak ATV Club or the appropriate land management agency concerning the location of approved trails or other restrictions on vehicle use on lands managed by those agencies. Vehicle stream crossings of other specified anadromous fish bearing waters, or other locations are not authorized, except by individual permit or other General Permits.

