



FISH HABITAT PERMIT

FH16-III-0181-GP Amendment 2

ISSUED: May 25, 2021
EXPIRES: December 31, 2025

GENERAL PUBLIC

RE: **Motorized Vehicle Stream Crossing at Traditional Ford Locations
Downstream/South of the Chitina-McCarthy Road Bridge
Copper River** (Stream No. 212-20-10080)

Floodplain channels of the west and east bank of the Copper River
Sec 13, N ¼ 24, T4S, R5E, and W ¼ Sec 18, R6E, CRM, Valdez C-2
Median Floodplain Coordinate (WGS84): 61.5200 N, -144.4120 W

O'Brien Creek (Stream No. 212-20-10080-2295)
Sec 35, T4S, R5E, CRM, Valdez B-2

Crossing Coordinate (WGS84): 61.4822 N, -144.4550 W

Haley Creek (Stream No. 212-20-10080-2281)

Sec 22, T5S, R5E, CRM, Valdez B-2

Crossing Coordinate (WGS84): 61.4175 N, -144.4775 W

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that both the public interest and protection of fish and game will continue to be served with the issuance of a General Public Fish Habitat Permit Amendment authorizing the use of motorized vehicles to cross the described waterbodies. Wheeled or tracked vehicles with a **gross vehicle weight (GVWR) of 10,000 pounds or less** are authorized to cross within a 500-foot centerline of the referenced traditional ford crossing sites and any preferred crossing site of ephemeral floodplain channels.

Note: Any use of larger vehicles/equipment, or other use (water withdrawals, etc.) within the described waterbodies, or any use within other natural waterbodies catalogued as anadromous not described herein requires an individual Fish Habitat Permit.

Anadromous Fish Act

The Copper River system has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The Copper River provides habitat

for Chinook, coho, and sockeye salmon, steelhead trout and anadromous Dolly Varden. O'Brien and Haley Creeks provide rearing habitat for coho salmon and the entire system supports resident species of fish such as Arctic grayling. Your project as proposed should not obstruct the free passage of fish.

In accordance with AS 16.05.871(d), the described limited vehicles are approved to cross the at the described locations subject to the permit terms, with the following stipulations:

- 1) Summer stream crossings with vehicles shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow to the extent practicable and in a manner that precludes creation of barriers to efficient fish passage (ridging and/or rutting of streambed, etc.). No modifications to the banks of the stream are authorized via this permit.
- 2) Winter stream crossings shall occur when and where the ice is naturally frozen to the streambed or in areas where ice thickness is adequate to support equipment. Vehicles shall not enter open water during winter. Any ice/snow bridges and approach ramps constructed at stream crossings of any definable stream must be substantially free of extraneous material (i.e., soil, rock, wood, or vegetation). Any ice/snow bridge shall be breached and fill used for ramps shall be removed upon completion of use to facilitate breakup such that fish passage is maintained.

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 activities regulated by the Habitat Section of ADF&G; 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.

For any activity that significantly deviates from the approved plan, you shall notify the ADF&G 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 ADF&G Habitat Section. Therefore, it is recommended that you consult the Habitat Section 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 Habitat Biologist Todd Nichols at 907-459-7363 or todd.nichols@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner

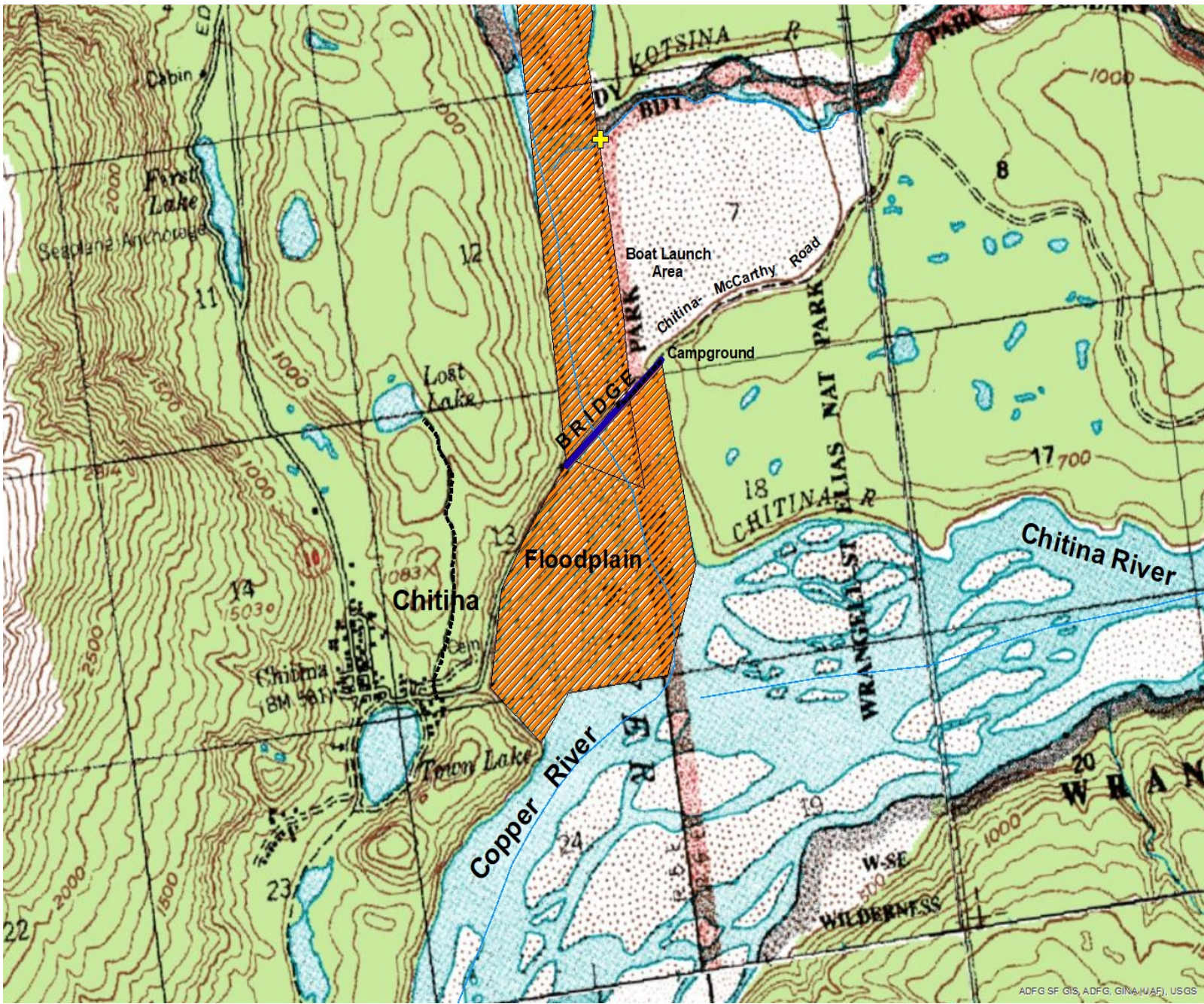


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Permit Coordinator, ADF&G SF
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tn/AB

Map 1 of 2



Map 2 of 2

