



FISH HABITAT PERMIT FH24-V-0001-GP

ISSUED: January 10, 2024

EXPIRES: December 31, 2028

RE: Vehicle Use on Frozen Water Surfaces within the Kenai Peninsula Borough

General Public:

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 both the public interest and the proper protection of fish and game resources would be served through the issuance of a General Permit (GP) authorizing the use of certain motorized vehicles on frozen anadromous waterbodies within the Kenai Peninsula Borough.

Categories of motorized vehicles covered by this General Permit include the following: any wheeled, tracked, or other ground effect motorized vehicle less than 12,000 pounds dry vehicle weight. 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.

Various waterbodies within the Kenai Peninsula Borough are specified as being important for the spawning, rearing, and/or migration of anadromous fish pursuant to AS16.05.871(a). These waterbodies also support a variety of resident fish species.

Pursuant to AS 16.05.871(d), access to, crossings of, and/or egress from any frozen anadromous fish-bearing waterbodies within the Kenai Peninsula Borough is hereby authorized subject to the description above, the following stipulations, and the permit terms:

1. This permit must be in your possession while conducting authorized activities.

2. The ice cover shall be of sufficient thickness to support the weight bearing load of the authorized vehicle(s).
3. There shall be no vehicles or equipment operated in the open (un-frozen) waters of any specified waterbody under this General Permit.
4. The construction or use of snow or ice bridges, access ramps, or cribbing to cross any waterbody is prohibited without prior written approval by ADF&G, Habitat Section.
5. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
6. The bed or banks of any specified waterbody shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
7. No fuel shall be stored, nor vehicles fueled or serviced, while on the frozen surface or below the ordinary high-water line of any waterbody.
8. No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated on the frozen surface or below the ordinary high-water line of any specified waterbody.

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 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.

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 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 a Habitat Section responsibility. Therefore, it is recommended you consult the Habitat Section immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any provision of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the project site. You shall furnish whatever assistance and information as 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 Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang,
Commissioner



By: Kaitlynn Cafferty; Kenai Peninsula Area Manager

ecc:

KRC File

USACE Kenai

C. Jaime, AWT

C. Larson, ADNR
A. Ott, ADF&G Hab
B. Blain, ADF&G SF
M. Booz, ADF&G SF

P. Stacey, ADF&G SF
C. Lipka, ADF&G CF
G. Hollowell, ADF&G CF
M. Carter, ADF&G WC

N. Fowler, ADF&G WC
T. Peltier, ADF&G WC
S. Rodman, ADF&G WC
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