



FISH HABITAT PERMIT FH24-V-0011-GP

ISSUED: July 1, 2024
EXPIRES: December 31, 2028

RE: Vehicle Ford
Unnamed (Leaf) Creek – Stream No. 247-80-10018
Section 29, T 09N, R 09W, S.M.
Location: 60.8449°N, 150.9192°W
Otter Creek – Stream No. 247-80-10015
Section 15, T 09N, R 09W, S.M.
Location: 60.8686°N, 150.8673°W
Seven Egg Creek – Stream No. 247-80-10010
Section 28, T 10N, R 08W, S.M.
Location: 60.9344°N, 150.7140°W
Miller Creek – Stream No. 247-80-10005
Section 33, T 11N, R 07W, S.M.
Location: 60.9987°N, 150.5192°W

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 for stream crossings with vehicles less than 10,000 pounds dry vehicle weight of Unnamed (Leaf) Creek, Otter Creek, Seven Egg Creek, and Miller Creek at the established crossings referenced above. For the purposes of this permit, the dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer.

Alaska law (AS 16.05.871) requires that a permit from the 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. Please contact the Soldotna Habitat Section office for permit application materials and/or additional information (907-714-2475).

Unnamed (Leaf) Creek, Otter Creek, Seven Egg Creek, and Miller Creek have been specified as being important for the migration, spawning and rearing of anadromous fish pursuant to AS

16.05.871(a). Unnamed (Leaf) Creek, Otter Creek, Seven Egg Creek, and Miller Creek provide migration, spawning and rearing habitat for sockeye and coho salmon and other species of resident fish.

In accordance with AS 16.05.871(d), the movement of wheeled or tracked vehicles, less than 10,000 pounds dry vehicle weight, on the bed and banks of the referenced streams at the established fords is hereby authorized subject to the description above, the following stipulations, and permit terms:

1. Stream crossings shall be made directly from bank to bank perpendicular to the stream flow. Crossings are authorized only at the existing fords at the locations referenced above and indicated on the attached map (Map 1).
2. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings. ADF&G, Habitat Section, or the applicable land manager, shall be notified within three working days of any disturbances. Corrective action may be stipulated as applicable and necessary.
3. 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 Unnamed (Leaf) Creek, Otter Creek, Seven Egg Creek, and Miller Creek.
4. No vehicles leaking fuels, oils, coolant or hydraulic fluids shall be operated below the ordinary high-water (OHW) line of Unnamed (Leaf) Creek, Otter Creek, Seven Egg Creek, and Miller Creek.

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 significantly deviates from the approved plan, you shall notify Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee or agent of the permittee which 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 the responsibility of Habitat Section. Therefore, it is recommended you consult Habitat Section immediately when a deviation from the approved plan is being considered.

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 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 from state, federal, or local agencies. 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.

Please direct questions about this permit to Habitat Biologist Wayne Haines at (907) 714-2478 or e-mail at wayne.haines@alaska.gov.

Sincerely,

Doug Vincent-Lang,
Commissioner



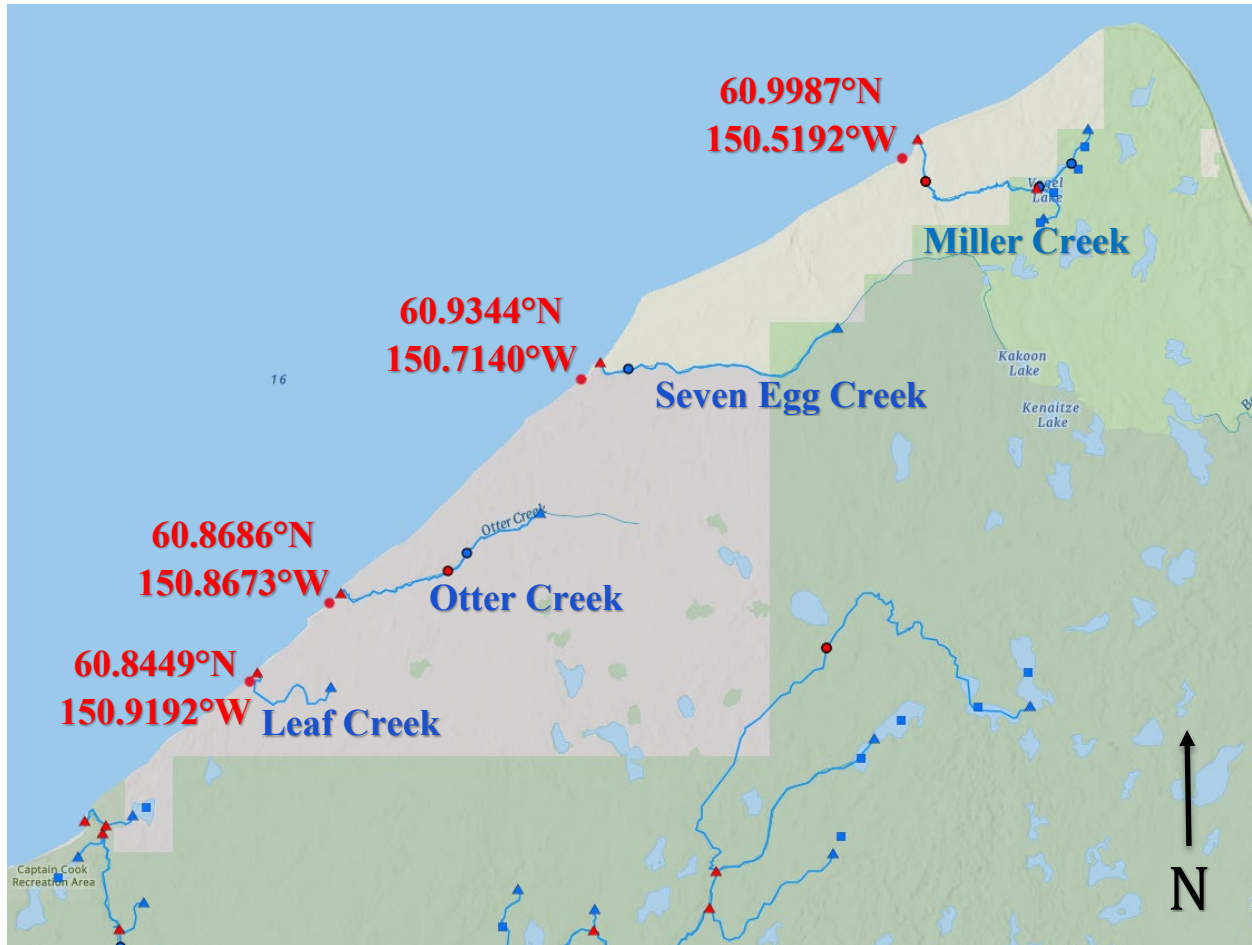
By: Kaitlynn Cafferty; Kenai Peninsula Area Manager

ecc:

KRC File
C. Jaime, AWT

USACE Pagemaster
P. Stacey, ADF&G SF

A. Ott, ADF&G HAB
Permitting, ADN-SCRO



<https://www.adfg.alaska.gov/index.cfm?adfg=ffinventory.interactive>

Map 1. Leaf, Otter, Seven Egg, and Miller Creek coastal vehicle fords.