



FISH HABITAT PERMIT FH21-I-0002-GP

ISSUED: January 27, 2021

EXPIRES: December 31, 2022

General Public:

RE: ATV Stream Crossings
Tsivat River (Stream No. 192-42-10400)
Tsiu River (Stream No. 192-42-10400-2013)
Unnamed Stream (Stream No. 192-42-10400-2009)
Unnamed Stream (Stream No. 192-42-10400-2009-3003)
Sections 13–24, T 21S, R 14E, CRM (Bering A-6)

The Alaska Department of Fish and Game (ADF&G) manages a commercial set gillnet fishery in the lower Tsiu River, about 120 miles northwest of Yakutat. ADF&G staff and commercial lodge operators and their clients use all-terrain vehicles (ATVs) to cross the lower Tsivat and Tsiu Rivers and two unnamed streams.

Pursuant to AS 16.05.871(b), ADF&G has determined the public interest is served and resources and fish habitats are properly protected through issuance of a General Permit authorizing stream crossings with ATVs in the lower Tsivat and Tsiu Rivers, including tributaries that drain to the Tsivat and Tsiu Rivers, within the General Permit area designated in the enclosed map.

Anadromous Fish Act

Pursuant to AS 16.05.871(a), the following water bodies have been specified as being important for the spawning, rearing, or migration of anadromous fishes: Stream Number 192-42-10400 provides habitat for Chinook, coho, pink, and sockeye salmon, and eulachon; Stream Number 192-42-10400-2009 provides habitat for coho and sockeye salmon; and Stream Numbers 192-42-10400-2013 and 192-42-10400-2009-3003 provide habitat for coho salmon. The lower reaches of these water bodies provide a migration corridor for anadromous fish and may provide spawning habitat for eulachon during spring.

In accordance with AS 16.05.871(d), ATV stream crossings within the designated area are approved subject to the permit terms and the following stipulations:

1. Vehicle operations in streams shall be limited to that necessary to safely cross the water body in the most direct manner.

2. ATVs may not be refueled, serviced, or parked below the ordinary high water mark of 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 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 Bill Kane at (907) 465-6474 or william.kane@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Kate Kanouse
Regional Supervisor

Enclosure: FH21-I-0002-GP Authorized Stream Crossings Area Map

Email cc:

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