



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Fish and Game**

HABITAT SECTION
Southcentral Regional Office

333 Raspberry Road
Anchorage, Alaska
Main: 907.267.2342
Fax: 907.267.2499

SPECIAL AREA GENERAL PERMIT FH21-II-0014-GP-SA

ISSUED: February 4, 2021

EXPIRES: December 31, 2022

General Public:

Re: **Along-shore fishing with set gillnets**

Clam Gulch Critical Habitat Area

Egegik Critical Habitat Area

Kachemak Bay Critical Habitat Area

Kalgin Island Critical Habitat Area

Pilot Point Critical Habitat Area

Port Heiden Critical Habitat Area

Port Moller Critical Habitat Area

Redoubt Bay Critical Habitat Area

Susitna Flats State Game Refuge

Trading Bay State Game Refuge

Cinder River Critical Habitat Area

Pursuant to 5 AAC 95 and in response to a public need to operate set gillnets (as defined in 5 AAC 39.105) in shore fishery lease areas within the boundaries of state game refuges and critical habitat areas, the Alaska Department of Fish and Game, Division of Habitat, has determined that both the public interest and the proper protection of fish and wildlife would be served through issuance of a General Permit. This General Permit allows citizens to operate set gillnets within the state game refuges and critical habitat areas listed. This authorization applies only to fishing activities authorized by and conducted in compliance with all applicable state and federal laws governing subsistence, personal use, educational, or commercial fisheries.

This General Permit authorizes fishing within these state game refuges and critical habitat areas. **It does not authorize the off-road use of motorized vehicles or the use or construction of buildings or other facilities in connection with the operation of set gillnet sites,** with the exception of previously established off-road vehicle use and structures associated with private property within the Egegik, Pilot Point, Port Heiden, and Port Moller critical habitat areas.

State game refuges and critical habitat areas are established by the Alaska State Legislature for the protection of fish and wildlife populations and their habitats and public use and enjoyment of fish and wildlife. Alaska statutes and special area management plans allow for multiple land use activities within the refuges and critical habitat areas to be authorized by Special Area Permit if the activity provides for the proper protection of fish and wildlife resources. The proposed activity is not expected to adversely impact habitat values, fish and wildlife resources, or public use provided the stipulations contained herein are adhered to.

In accordance with 5 AAC 95, the department hereby issues a General Permit for along-shore fishing with set gillnets as described above, subject to the following stipulations:

1. Harassment of wildlife is prohibited, including any activity that displaces wildlife, excepting legal and permitted hunting, fishing, and gathering of fish and game.
2. Fishing activities shall not restrict lawful public access or use of fish and wildlife resources.
3. No material of any kind, including waste products, debris, supplies, fish carcasses, or equipment shall be abandoned or disposed of within the state game refuges and critical habitat areas listed above.

The following stipulations apply to the off-road use of motorized vehicles and the use of buildings or other facilities associated with private property in connection with the operation of set gillnet sites in the Egegik, Pilot Point, Port Heiden, and Port Moller critical habitat areas:

4. Access routes to private lands shall utilize beaches or existing trails in upland areas. Wetland areas may be utilized where there is no feasible upland alternative and a trail is already established. Access routes will not restrict public access to and use of fish and wildlife resources.
5. Motorized vehicles that leak fuel or other hazardous materials shall not be operated within the critical habitat areas.
6. Existing cabins may be maintained on private parcels of land within the critical habitat areas. Additional cabins may be authorized on a case-by-case basis under the terms of a Special Area Permit. Property owners must obtain all required permits for the construction of a cabin. Construction of new cabins or structures or expansion of existing cabins or structures is not authorized by this General Permit.
7. Existing fish racks and other similar temporary structures may be maintained on private lands. The property owner assumes all risk and responsibility for loss, damage, theft, or vandalism of real property on private lands.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.20.060 and AS 16.20.530 and must be retained on site during related 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 Division of Habitat 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 the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

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

This letter constitutes a permit issued under the authority of 5 AAC 95 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies may also 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.

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. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use, which the commissioner determines may be expected to result from, or which actually results from the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

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 the permittee's 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.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Habitat Biologist Josh Brekken at 267-2113 or emailed to josh.brekken@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Ron Benkert
Southcentral Regional Supervisor

cc: Nelson Lagoon Corporation
Ugashik Village Council
Alaska Peninsula Corporation
Aleut Corporation
Becharof Corporation
Bristol Bay Native Corporation
Pilot Point Corporation

ecc: A. Ott, ADF&G
R. Benkert, ADF&G
M. Carter, ADF&G
G. Hollowell, ADF&G
J. Hasbrouck, ADF&G
J. Baumer, ADF&G
A. Tiernan, ADF&G
A. DuBour, ADF&G
B. Blossom, ADF&G
J. Meehan, ADF&G
T. Elison, ADF&G
J. Wadle, ADF&G
B. Marston, ADF&G
T. Massie, ADF&G
E. Weiss, ADF&G
E. Fox, ADF&G
D. Hill, ADF&G
J. Giefer, ADF&G
S. Ivey, ADF&G
C. Colles, DNR/DMLW
USACE, Regulatory
N. Hill, Lake and Peninsula Borough
M. Mueller, KP
M. Brown, MSB
A. Bailey, AEB
AWT, Anchorage
AWT, King Salmon
AWT, Palmer
AWT, Dillingham
AWT, Mat-Su West
AWT, Kodiak
AWT, Soldotna, Anchor Point, Homer