



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

## Department of Fish and Game

DIVISION OF HABITAT  
Central Region Office

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### FISH HABITAT PERMIT FH 17-II-GP49

**ISSUED:** January 9, 2017  
**EXPIRES:** December 31, 2022

General Public:

Re: Vehicle Stream Crossing  
Hurst Creek - Stream No. 259-41-10040  
Section 12, T. 31 S., R. 22 W., S.M.  
Coordinates: 57.501 N, 152.731 W

Pursuant to AS.16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat has determined that the public interest would be served through the issuance of a General Permit for vehicle stream crossing of Hurst Creek at the location shown on the enclosed map.

#### **Project Description**

This general permit authorizes the movement of wheeled or tracked vehicles weighing less than 5,000 lbs dry weight on the bed and banks of Hurst Creek at the above referenced location. Heavier vehicles are not covered under this General Permit and would require an individual Fish Habitat Permit. The stream crossing at the existing ford identified by the legal description above and indicated by a dot (•) on the enclosed map are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

#### **Anadromous Fish Act**

Hurst Creek has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). Hurst Creek supports coho, pink, and chum salmon, as well as Dolly Varden.

In accordance with AS 16.05.871(d), authorization is hereby given for the general public to ford the unnamed streams at the identified crossings subject to the following stipulations:

1. Stream crossings shall be made from bank to bank in a direction substantially perpendicular to the stream flow.
2. Stream crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings.

4. Vehicles shall not be parked in open water. Parking below ordinary high water is authorized only on frozen surfaces or exposed gravel bars.
5. Vehicles shall not be refueled or serviced below ordinary high water. Vehicles leaking oil or other hazardous substances are prohibited from crossing the creek.
6. This permit must be retained onsite during stream crossings activities.

The vehicle owner and the operator, or the legal guardian of minor dependents, is responsible for the actions of persons who participate in the approved activity. For any activity that significantly deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this general 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 the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a General Permit issued under the authority of AS 16.05.871. Please be advised that this determination applies only to activities regulated by the Division of Habitat; 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.

In addition to the penalties provided by law, this General Permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

The recipient of this General Permit 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 General 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 Will Frost at 267-2813 or emailed to [william.frost@alaska.gov](mailto:william.frost@alaska.gov).

Sincerely,

Sam Cotten, Commissioner

A handwritten signature in black ink, appearing to read "Megan Marie".

By: Megan Marie  
Acting Regional Supervisor  
Central Region Office

enc: Stream Crossing Map

cc: AWT, Kodiak

ecc: N. Svoboda, ADF&G  
FRP Coordinator, ADF&G  
T. Polum, ADF&G  
A. Ott, ADF&G  
S. Schrof, ADF&G  
J. Rypkema, ADEC  
C. Larson, ADNR  
D. Dvorak, KIB  
USACE, Regulatory Branch

## FISH HABITAT PERMIT FH 17-II-GP49

### APPROVED STREAM CROSSING – MAP

#### Hurst Creek - Stream No. 259-41-10040

1. Section 12, T. 31 S., R. 22 W., S.M.  
Coordinates: 57.501 N, 152.731 W

Map notes: There is one approved ford of anadromous fish bearing water within the area shown on this map, as noted by the legal description above and depicted by a dot (•) and label. The crossing is authorized only within 20 feet of the centerline of a traditional ford crossing at the referenced location. You are advised to contact the Kodiak ATV Club or the appropriate land management agency concerning the location of approved trails or other restrictions on vehicle use on lands managed by those agencies. Vehicle stream crossings of other specified anadromous fish bearing waters, or other locations are not authorized, except by individual permit or other General Permits.

