



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Regional Office

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FISH HABITAT PERMIT FH22-II-0056-GP

ISSUED: January 3, 2022

EXPIRES: December 31, 2025

General Public:

RE: Vehicle Movement on Frozen Water Surfaces within the Alaska Department of Fish and Game (ADF&G), Habitat Section Region II Permitting Boundaries

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 would be served through the issuance of a general permit (GP) authorizing the use of motorized vehicles on frozen rivers, lakes, and streams within the ADF&G, Habitat Section Region II permitting boundaries (see attached map). This GP does not apply to motorized vehicle use within state refuges, critical habitat areas, and sanctuaries. Winter motorized vehicle use in Trading Bay State Game Refuge and Redoubt Bay Critical Habitat Area are covered under separate general permits.

Categories of motorized vehicles covered by the GP are limited to wheeled and tracked motorized vehicles less than 1,000 pounds dry vehicle weight, except for vehicles operated on the Yukon and Kuskokwim rivers and their first order tributaries, which are limited to less than 10,000 pounds dry vehicle weight. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands).

Various rivers, lakes, and streams within the ADF&G, Habitat Section Region II permitting boundaries have been specified as being important for spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). These rivers, lakes, and streams may also support a variety of resident fish species.

Pursuant to AS 16.05.871(d), access to, crossings of, or egress from any frozen specified anadromous river, lake, or stream within the ADF&G, Habitat Section Region II permitting boundaries is authorized subject to the activity 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 waters of any specified river, lake, or stream.
4. The use of snow or ice bridges, access ramps, or cribbing to cross any specified river, lake, or stream is prohibited unless approved, in writing, by the 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 river, lake, or stream 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 located on the frozen surface or below the ordinary high-water line of any specified river, lake, or stream.

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 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.

The vehicle owner and the operator, or the legal guardian of minor dependents, are 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 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 provision 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 Habitat Section. Therefore, we recommend you consult the Habitat Section immediately before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information 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.

Any questions or concerns about this permit may be directed to the ADF&G Habitat Section Region II office in Anchorage by calling (907) 267-2342 or by email at dfg.hab.infoanc@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By Ron Benkert
Southcentral Regional Supervisor

Enclosure: Map

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|-----------|---------------------|-------------------------------|-------------------|
| Email cc: | A. Ott, ADF&G | N. Svoboda, ADF&G | AWT, Valdez |
| | J. Baumer, ADF&G | C. Westing, ADF&G | AWT, Bethel |
| | N. Smith, ADF&G | D. Battle, ADF&G | AWT, King Salmon |
| | J. Chythlook, ADF&G | T. Polum, ADF&G | AWT, Kodiak |
| | L. Borden, ADF&G | P. Jones, ADF&G | AWT, Soldotna |
| | B. Marston, ADF&G | J. Botz, ADF&G | AWT, Cordova |
| | S. Ivey, ADF&G | J. Rypkema, ADEC | AWT, Dutch Harbor |
| | E. Fox, ADF&G | C. Larson, ADNDR | AWT, Dillingham |
| | T. Elison, ADF&G | B. Corwin, ADNDR | AWT, Anchorage |
| | T. Sands, ADF&G | B. Shryock, ADNDR | |
| | K. Gatt, ADF&G | A. Achee, City of Whittier | |
| | R. Johnson, ADF&G | M. Detter, City of Valdez | |
| | J. Jackson, ADF&G | N. Hill, LPB | |
| | G. Hollowell, ADF&G | H. Howarth, City of Cordova | |
| | M. Booz, ADF&G | T. Tobish, MOA | |
| | C. Gleason, ADF&G | P. Williams, City of Bethel | |
| | D. Jallen, ADF&G | E. Weiss, AEB | |
| | D. Crowley, ADF&G | P. Zavadil, City of St. Paul | |
| | A. Tiernan, ADF&G | J. Wilson, BBB | |
| | J. Meehan, ADF&G | L. Lockett, City of Adak | |
| | D. Hill, ADF&G | E. Reinders, City of Unalaska | |
| | A. Dubour, ADF&G | S. Lopez, KPB | |
| | M. Carter, ADF&G | Borough Manager, KIB | |

