



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

FISH HABITAT PERMIT FH21-II-0062-GP

ISSUED: January 1, 2021
EXPIRES: December 31, 2024

General Public:

RE: Vehicle Stream Crossing
Unnamed Stream (Burma Creek) (Water Body No. 259-21-10120-2007-3029)
Section 9, T 28 S, R 20 W, SM
Location: 57.758 N, 152.526 W

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 the public interest would be served through the issuance of a General Permit for vehicle stream crossing of an unnamed stream locally known as "Burma 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 pounds dry weight on the bed and banks of Burma 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 is expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

Anadromous Fish Act

Water Body No. 259-21-10120-2007-3029 has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The water body provides habitat for coho and pink salmon, as well as Dolly Varden.

In accordance with AS 16.05.871(d), authorization is hereby given for the general public to ford Burma Creek at the identified crossing 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 crossing activities.

Permit Terms

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 Habitat Section 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 Habitat Section. Therefore, it is recommended that the Habitat Section 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 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.

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.

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 the Habitat Section at 267-2342 or
dfg.hab.infoanc@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By Ron Benkert
Southcentral Regional Supervisor

Enclosures: Vehicle Stream Crossing Map

Email cc:

- A. Ott, ADF&G
- N. Svoboda, ADF&G
- T. Polum, ADF&G
- ARP Coordinator, ADF&G
- J. Rypkema, ADEC
- C. Larson, ADNR
- M. Slife, KIB
- AWT, Kodiak
- USACE, Regulatory

FISH HABITAT PERMIT FH20-II-0062-GP

APPROVED STREAM CROSSING – MAP

Burma Creek - Stream No. 259-21-10120-2007-3029

1. Section 9, T. 28 S., R. 20 W., S.M.
Coordinates: 57.758 N, 152.526 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.

