

STATE OF ALASKA

**FRANK H. MURKOWSKI,
GOVERNOR**

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF HABITAT MANAGEMENT AND PERMITTING

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GENERAL FISH HABITAT PERMIT FH06-III-GP-001

ISSUED: January 19, 2006
EXPIRES: December 31, 2016

General Public
Nome, Alaska 99762

RE: Re-issuance of General Fish Habitat Permit (formerly FG91-III-GP-001, FG93-III-GP-001, FG96-III-GP-001, and FG00-III-GP-001); In-water Equipment and Vehicle Stream Crossings at Traditional Ford Locations Within the Southern Seward Peninsula, AK.

In response to local needs for light vehicular access across several anadromous fish streams designated pursuant to AS 41.14.870(a), the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP), upon its own motion, has determined that both the public interest and the proper protection of fish and wildlife would be served by reissuing a general AS 41.14.870 permit for certain classes and types of vehicular crossings at specified locations within the designated waterbodies (Table 1).

In accordance with AS 41.14.870(d) (Anadromous Fish Act) and 11 AAC 110 authorization is hereby given for the general public to ford the following designated waterbodies (Table 1 and Enclosure 1 - Maps) within a 500 foot centerline of the identified traditional ford crossings with wheeled or tracked vehicles weighing less than 10,000 pounds gross vehicle weight (GVW). Heavier vehicles are not covered under this General Permit and are required to apply for and obtain an individual Fish Habitat Permit.

Table 1

<u>Stream Name</u>	<u>AWC Stream Number</u>
Cripple River at mouth (S12 & 13, T11S, R36W, KRM)	333-10-10900
Penny River at mouth (S½NE¼ S18, T11S, R35W, KRM)	333-10-10950
Nome River at Buster Creek (S½SW¼ S27, T10S, R33W, KRM)	333-10-11250
Nome River at Sampson Creek (S9, T9S, R33W, KRM)	333-10-11250
Nome River at Divide Creek (S36, T7S, R33W, KRM)	333-10-11250
Nome River at Dorothy Creek (S6, T8S, R32W, KRM)	333-10-11250
Nome River at Clara Creek (S30, T8S, R32W, KRM)	333-10-11250
Snake River at Bangor Creek (S35, T9S, R34W, KRM)	333-10-11200
Pilgrim River near Iron Creek (S13, T6S, R30W, KRM)	332-00-10250-2110
Pilgrim River near Iron Creek (SW¼ S14, T6S, R30W, KRM)	332-00-10250-2110
Solomon River at Lees Camp (S13, T10S, R29W, KRM)	333-10-11700
Big Hurrah Creek at mouth (S5, T10S, R28W, KRM)	333-10-11700-2082
Lower Glacier Creek access road (S26 & 27, T10S, R34W, KRM)	333-10-11200-2110
Upper Glacier Creek access road (S24, 25 & 26, T10S, R34W, KRM)	333-10-11200-2110
Shovel Creek (S2 & 11, T10S, R29W, KRM; S26 & 35, T9S, R29W, KRM)	333-10-11700-2061
Niukluk River at Council (S11, T7S, R25W, KRM)	333-20-10670-2281
Sweetcake Creek (S33, T6S, R25W, KRM)	333-20-10670-2281- 3160-4011
Ophir Creek at mouth (S33, T6S, R25W, KRM)	333-20-10670-2281- 3160
Ophir Creek near Snowball Creek (S13, T6S, R25W, KRM)	333-20-10670-2281- 3160
Kougarok River near Windy Creek (S28, T1N, R29W, KRM)	332-00-10250-2285
Kougarok River near Ryan Gulch (S16, T1S, R29W, KRM)	332-00-10250-2285
Kougarok River near Homestake Ck. (S12, T3N, R30W, KRM)	332-00-10250-2285

This authorization is subject to the following stipulations that are required to ensure that this activity is consistent with the Standards of the Alaska Coastal Management Program (ACMP), specifically the General Concurrence Determination GCD-5 authorization.

1. Crossings shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow.
2. Crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. Banks shall not be altered or disturbed in any way to facilitate crossings. No alteration of the stream bank shall occur which creates conditions that have been documented to result in the loss of or to reduce the productivity of fish habitat. If stream banks are inadvertently disturbed, they shall be immediately stabilized to prevent erosion.

For any activity which significantly deviates from the conditional approval granted by this general permit, the responsible party shall notify OHMP and obtain written approval in the form of an individual AS 41.14.870 permit prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for a permit amendment is the responsibility of OHMP. Therefore, it is recommended that OHMP be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870. Please be advised that this approval does not relieve you of the responsibility of securing other permits, state, federal or local.

Pursuant to 11 AAC 112.010, the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Bering Straits CRSA Coastal District Program.

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 department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and that are a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the permittee) 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--44.62.630.

Sincerely,

Edmund J. Fogels, Acting Deputy Commissioner



BY: Robert F. "Mac" McLean, Area Manager
Office of Habitat Management and Permitting

cc: Chris Milles, ADNR, Fairbanks	Catherine Semour, ADEC, Fairbanks
Larry Bright, USFWS, Fairbanks	Jeanne Hanson, NOAA, Anchorage
Bill Meyers, ACOE, Anchorage	Larry Peltz, NOAA, Anchorage
Chuck Howe, ADOT&PF, Fairbanks	Steve Borell, AMA, Anchorage
Steve Machida, ADF&G, Anchorage	Fred DeCicco, ADF&G, Fairbanks

General Public
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January 19, 2006

Jim Menard, ADF&G, Nome
Chuck Degnan, BSCRSA, Unalakleet

City of Nome

RFM/mac