

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF HABITAT

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### FISH HABITAT PERMIT FH-09-IV-0004-GP

**ISSUED:** January 1, 2009  
**EXPIRES:** December 31, 2009

General Public:

***Re: Vehicle and Equipment Fords—Matanuska-Susitna Borough***

#### ***Moose Creek Trail***

**Moose Creek**—Stream Number 247-50-10220-2085

East ½ Section 28, T. 19 N., R. 2 E., S.M.

Moose Creek located north of Palmer, access via Buffalo Mine Road

Premier Mine Site next to old bridge site

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat 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 vehicle stream crossings at the existing stream ford on the stream listed above.

Alaska law (AS 16.05.871) requires that a permit from the Division of Habitat be obtained prior to operating wheeled or tracked vehicles in or on the bed, bank, or waters of specified anadromous fish-bearing streams and lakes. The increase in off-road vehicle (ORV) use over the past several years and the amount of public use of the Moose Creek Trail, identified herein, justifies the issuance of this General Permit. Such issuance does not obligate or imply that the Division of Habitat will renew this authorization in the future. The Division of Habitat will continue working with local user groups and land management agencies to ensure that off road vehicle use avoids and/or minimizes adverse impacts to fish and wildlife resources and habitat areas.

This General Permit authorizes stream crossings **only at the specific existing ford as described herein and identified by the legal description above**. The use of any ground-effect motorized vehicle to cross this stream at any location other than that which is specified or to cross any other specified anadromous fish-bearing waterway **IS NOT ALLOWED**, unless otherwise authorized in writing by the Division of Habitat. This GP does not authorize cross-country movement of equipment on state lands or other activities not generally allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands).

This GP authorizes stream crossing of equipment with a curb weight of up to 10,000 pounds. For purposes of this permit, “curb weight” is defined as “the weight of the vehicle with a full tank of fuel and all liquids topped off, but with no one sitting in the vehicle and no cargo loaded”. Ground contact vehicles with a curb weight of more than 10,000 pounds are required to obtain an individual Fish Habitat Permit before crossing any anadromous fish bearing stream. Please contact the Palmer Division of Habitat for permit application materials and/or additional information (907-745-7363). For additional information regarding regulations governing the cross country movement of

equipment on state lands, please contact The Department of Natural Resources, Public Information Center in Anchorage (907-269-8400).

When crossing a stream with any motorized vehicle, you are required to cross in the shortest and most direct fashion possible, while maintaining adequate levels of safety for yourself and any passengers. This is often perpendicular to the flow of the water. However, this permit recognizes that stream crossing locations change as a result of stream flow conditions and that crossing in a fashion not entirely perpendicular to the flow of the water may be necessary for safe passage.

This permit authorizes the operation of vehicles in flowing waters of anadromous streams only for the express purpose of accessing the opposite bank of the stream during the course of travel. Driving a vehicle up and downstream for other purposes, including general recreation is strictly prohibited. Vehicles may not linger or delay while crossing streams. Washing mud from vehicles while the vehicle is in the flowing waters of a stream is prohibited. Harassing fish while crossing any stream is prohibited by regulation (5 AAC 75.060).

Moose Creek (Stream No. 247-50-10220-2085) has been specified as being important for the spawning and rearing of Chinook and coho salmon. This stream also supports a variety of resident fish species.

In accordance with AS 16.05.871(d), the movement of wheeled or tracked vehicles on the bed and banks at the specified existing ford of the stream listed above is hereby authorized subject to the following stipulations:

1. Stream crossings shall be made as directly as possible. Vehicle operation within streams shall be limited to that necessary to safely cross the water body.
2. The bed or banks of the specified water body shall not be altered or disturbed in any way to facilitate crossing. The existing ford shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Division of Habitat.
3. No vehicles shall be operated on the vegetated streambanks or in a manner or location that induces erosion or sedimentation of specified anadromous fish-bearing waters.

**This permit does not apply to commercial operators.** Commercial operators who need to conduct equipment or vehicle crossings of anadromous streams must obtain an individual Fish Habitat Permit prior to commencement of commercial operations. Please contact the Palmer office of the Division of Habitat for permit application materials and/or for additional information (907-745-7363).

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 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 approved activity 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 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 permit issued under the authority of AS 16.05.871. Please be advised that this authorization applies only to activities regulated by the Division of Habitat; other agencies also

may have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing 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 Division of Habitat reserves the right to require mitigation measures to correct disruptions to fish and game created by the project that were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the responsible party or permittee) shall indemnify, save harmless, and defend the Division of Habitat, 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 Division of Habitat's negligence.

This general permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

Denby S. Lloyd, Commissioner



By: Michael L. Bethe, Habitat Biologist  
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-kab/mlb

Enclosure: Moose Creek Crossing Map

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|-------------------|------------------|------------------------|-----------------|
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| L. Books, DMLW    | A. Ott, Habitat  | M. Daigneault, Habitat | D. Massie, AWT  |
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| P. Bettis, DMLW   | W. Biessel, DPOR | A. Lee, DMLW           | T. Kavalok, WC  |
| A. Oels, WC       | City of Wasilla  | City of Palmer         | City of Houston |

Moose Creek Crossing  
FH 09-IV-0004-GP  
USGS Quad Anchorage C-6

