

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

*Division of Habitat*

**SARAH PALIN, GOVERNOR**

KENAI RIVER CENTER  
514 Funny River Road  
Soldotna, Alaska 99669  
Phone: (907) 260-4882  
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### **FISH HABITAT PERMIT FH 09-V-0002-GP**

ISSUED: December 29, 2008

EXPIRES: July 15, 2009

General Public:

RE: Vehicle and Equipment Fords  
Quartz Creek - Stream No. 244-30-10010-2177  
Section 16, T5N, R16W, S. M.

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that the public interest would be served through the issuance of a General Permit for light (less than 12,000 pounds GVW) vehicle stream crossings of the referenced stream along the trail shown on the enclosed map. Stream crossing at the existing ford, identified by the legal description above and indicated on the enclosed map, are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

The movement of wheeled or tracked vehicles; less than 12,000 pounds gross vehicle weight (GVW), on the bed and banks of the listed stream at the existing ford as shown on the enclosed map is authorized as follows:

1. Crossing Quartz Creek at the established ford behind the Quartz Creek Power Station is limited to May 15 to July 15 during low water periods. No other crossing locations are authorized under this permit.
2. Stream crossings shall be made directly from bank to bank in a direction substantially perpendicular to the stream flow. Crossings are authorized only at the existing ford at the location indicated on Map 1 (attached).
3. Ground contact vehicles shall not be driven upstream or downstream, but must go directly across the bed of Quartz Creek.
4. Stream banks, streambeds, or the existing ford shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Department of Fish and Game, Division of Habitat.

5. There shall be no removal or disturbance of vegetation or vegetated stream banks; no vehicles shall be operated on the vegetated stream banks or in a manner or location that induces erosion or sedimentation of Quartz Creek.
6. There shall be no digging, placement of fill material, or disposal of wastes (including wastewater) in the water or on the bed or banks of Quartz Creek; vehicles shall not be fueled or serviced within the floodplain; and vehicles with fuel, oil, or hydraulic fluid leaks; or leaking other pollutants shall not be operated or moved on the streambed or in the open waters of Quartz Creek.

Alaska law (AS 16.05.871) requires that a permit from the Division of Habitat be obtained prior to, among other activities, operating wheeled or tracked vehicles in or on the bed, bank, or waters of specified anadromous fish bearing waters. The increase in ATV use over the past several years and the amount of public use of the trails identified herein, justifies the current General Permit. The issuance of this General Permit does not obligate or imply that the Division of Habitat will renew the authorization in the future. The Division of Habitat intends to work with local user groups and responsible land management agencies to ensure that vehicle use on and off trails avoids adverse impacts to fish resources and habitats.

The use of any ground-effect motorized vehicle for stream crossings, other than described in this General Permit is not allowed except by an individual permit or other General Permit issued by the Division of Habitat.

Quartz Creek has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). In the vicinity of the crossing, Quartz Creek provides spawning and rearing habitat for sockeye, coho and king salmon as well as resident fish species.

In accordance with AS 16.05.871(d), stream crossings, in conformance with the stipulations listed above, are hereby authorized.

The vehicle owner and the operator, or the legal guardian of minor dependents is 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 at the Kenai River Center (714-2475), and obtain written approval in the form of an individual permit before beginning the activity. Any action taken which 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 determination applies only to activities regulated by the Division of Habitat. 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.

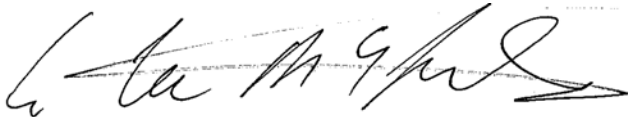
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish created by the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

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Sincerely,

Denby Lloyd, Commissioner

A handwritten signature in black ink, appearing to read 'Lee McKinley', written over a horizontal dashed line.

By: Lee McKinley  
Habitat Biologist  
Kenai Area Office  
(907) 260-4882

cc: KRC File

By email only:

AWT Soldotna, Seward  
ADF&G Soldotna

COE – KFO

