



**FISH HABITAT PERMIT FH14-SW-0001 Amendment No. 1**

ISSUED: May 7, 2014  
Amendment Issued: April 6, 2015  
EXPIRES: December 31, 2020

Mr. John C. Maisch, AK State Forester  
Alaska Department of Natural Resources  
Division of Forestry  
4700 Airport Way  
Fairbanks, AK 99701

Mr. Kent W. Slaughter, AFS Manager  
U.S. Bureau of Land Management  
Alaska Fire Service  
P.O. Box 35005  
Fort Wainwright, AK 99703

Dear Mr. Maisch and Mr. Slaughter:

RE: **Vehicle and Equipment Crossings of Non-Anadromous Fish-Bearing Water Bodies during Wildland Fire Suppression Activities**  
Fish Bearing Fresh Water Bodies Statewide Not Specified Anadromous under AS 16.05.871(a)

In response to statewide needs for wildland fire suppression crews to cross fish bearing water bodies with various types of vehicles and equipment during active wildland fire suppression activities, the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that both the public interest and the protection of free and efficient fish passage under Alaska Statute (AS) 16.05.841 (Fishway Act) will be served by issuing this Statewide Fish Habitat (Title 16) Permit for certain types of crossings.

**Project Description**

This statewide permit is for crossing resident fish water bodies with vehicles or heavy equipment during active wildland fire suppression activities. It is anticipated that this will occur between break-up and freeze-up, so the use of snow and ice to facilitate crossings will not be possible. To protect resident fish stream habitat, the number of crossings made should be minimized.

This permit does not authorize crossings of specified anadromous water bodies or travel within legislatively designated ADF&G special areas (refuges, critical habitat areas, wildlife ranges, and sanctuaries). Contact the appropriate ADF&G Division of Habitat area manager for such crossings or for emergency authorizations, which may be made by phone or email.

## **Fish Resources**

Various river, lakes, and stream throughout Alaska support resident species of fish such as rainbow and cutthroat trout, Arctic grayling, northern pike, or whitefish and have not been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). In resident fish only water bodies it is important that the efficient passage and movement of fish, both upstream and downstream, be maintained. Vehicle and equipment crossings of such water bodies have the potential to obstruct fish passage.

## **Determination**

In accordance with AS 16.05.841, project approval is hereby given subject to the project description above and the following stipulations:

- 1) All crossings shall be used and maintained in a manner that does not obstruct the free passage of fish. Any obstruction to the free passage of fish (such as debris accumulations, ruts, or berms) resulting from activities associated with this permit shall be restored to the satisfaction of the ADF&G Division of Habitat. The crossing shall be maintained to resemble the streambed upstream and downstream of the crossing site.
- 2) Equipment crossings shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow, at locations with gradually sloping banks to the extent practicable.
- 3) Banks shall not be altered to facilitate crossings. If stream banks are inadvertently disturbed, they shall be immediately stabilized. To maintain bank stability, bump logs may be placed temporarily within the stream parallel to channel flow to support equipment during crossings; ADF&G recommends that roots and stumps within 50 feet of stream banks not be grubbed and that any woody material being cut be felled away from the water body.
- 4) The following minor modifications to the bed and banks of crossed water bodies may be made when necessary to facilitate safe crossings: (a) logs may be temporarily placed parallel to current flow in low spots to help equipment cross deep water and to minimize disturbance to steep banks; and (b) woody debris obstructing or compromising the driven path may be moved intact to the downstream side of the crossing or used under item (a) above.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the ADF&G Division of Habitat 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 stipulation 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 Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when any deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

**This letter constitutes a permit issued under the authority of AS 16.05.841 and must be posted at the incident command post and staging areas during project activities.** Please be advised that this determination applies only to activities regulated by the Division of Habitat; 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 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 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.

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.

Any questions or concerns about this permit may be directed to the appropriate area contact:

Northern/Interior/Western Area	907-459-7254	Jim Durst	james.durst@alaska.gov
Matanuska/Susitna Area	907-861-3202	Mike Bethe	mike.bethe@alaska.gov
Southwest/Southcentral/Prince William Sound	907-267-2172	Mike Daigneault	michael.daigneault@alaska.gov
Kenai Peninsula Area	907-714-2477	Ginny Litchfield	ginny.litchfield@alaska.gov
Northern Southeast/Central Southeast Area	907-465-4275	Jackie Timothy	jackie.timothy@alaska.gov
Southern Southeast Area	907-826-2560	Mark Minnillo	mark.minnillo@alaska.gov

Sincerely,

Sam Cotten, Commissioner



BY: Alvin G. Ott, Operations Manager  
Division of Habitat  
Alaska Department of Fish and Game

ecc: ADF&G Habitat Area Managers  
Jeff Regnart, ADF&G Commercial Fisheries, Anchorage  
Tony DeGange, ADF&G Habitat, Anchorage  
Tom Brookover, ADF&G Sport Fish, Anchorage  
Hazel Nelson, ADF&G Subsistence, Anchorage  
Bruce Dale, ADF&G Wildlife Conservation, Palmer  
Brent Goodrum, ADNR Mining, Land and Water, Anchorage  
Ben Ellis, ADNR Parks and Outdoor Recreation, Anchorage  
Ben Soiseth, COE, Fairbanks  
NOAA Fisheries, Juneau  
Jewel Bennett, USFWS, Fairbanks

AGO/jdd